

Complaints Handling Procedure



This complaints handling procedure reflects Brock Taylors commitment to managing complaints. Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of each individual case.

Resolving complaints early saves time and resources and contributes to the overall efficiency of the Company. Concentrating on achieving an early resolution of a complaint as close to the point of contact as possible must be our aim.

WHAT IS A COMPLAINT?

For the purposes of this procedure, a complaint may be defined as:

“an expression of dissatisfaction by one or more individuals about the standard of service, action or lack of action by or on behalf of the Company.”

A complaint may relate to:

- the quality and standard of service
- failure to provide a service
- treatment by or attitude of a staff member or subcontractor/contractor
- inappropriate behaviour by a staff member or subcontractor/contractor
- the failure of the Company to follow an appropriate administrative process
- dissatisfaction with Company's' policy.

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the Company is a complaint. For example, the following **are not complaints**:

- a routine, first-time request for a service
- a request under the Freedom of Information Act or Data Protection Act
- a request for information or an explanation of policy or practice
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire will generally not be treated as a complaint
- an insurance claim
- an issue which is being, or has been, considered by a court or tribunal
- an attempt to have a complaint reconsidered where the Company's procedure has been completed and a decision has been issued
- a grievance by a member of staff which is eligible for handling through the grievance procedure.

These issues will be dealt with under the alternative appropriate processes rather than under the complaints handling process. It should be noted, however, that some issues can involve a combination of issues, some complaints and others not, and each case should be assessed on a case by case basis.

Who can make a complaint?

The Complaints Handling Procedure (CHP) covers complaints from anyone who receives, requests or is affected by our services.

This includes, although is not limited to:

- sellers and purchasers and potential sellers and purchasers
- members of the public where they have a complaint about matters which are (or which were at the time the issue arose) the responsibility of the Company

Sometimes individuals may be unable or reluctant to make a complaint on their own. The Company will accept complaints brought by third parties, as long as the individual affected has given their personal consent under the requirements of the Data Protection Act (1998). This usually means that the individual affected must give clear written authority for the third party to act on their behalf. Complaints made by a third party with the explicit permission of the complainant will be dealt with according to the same timescales.

Anonymous complaints

Complaints submitted anonymously will be considered if there is enough information in the complaint to enable the Company to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. However the Company may give consideration to the issues raised and will record the complaint so corrective action can be taken as appropriate.

If an individual complains to the Company about the service of another organisation, but the Company has no involvement in the issue, they should be advised to contact the appropriate organisation directly.

However, where a complaint relates to an Company service and the service of another organisation (for example a sub-contractor/contractor providing a service on behalf of the Company), and the Company has a direct interest in the issue, the complaint must be handled through the complaints handling procedure. If enquiries to an outside organisation in relation to the complaint are required, care must be taken to comply with data protection legislation and the guidance on handling personal information. Such complaints may include, for example:

- A complaint made in relation to provision of mortgage advice.
- A complaint made to the Company about Energy Performance Certificates

Complaints involving third parties who provide a service on behalf of the Company

The Company works with various third parties including subcontractors, contractors etc. Where these third parties are clearly engaged to provide a service on behalf of the Company, complaints about these services should be considered in line with this CHP. In particular, the same time-scales will apply to complaints which involve third party service providers.

Time limit for making complaints

Complaints should be raised with the Company as soon as problems arise to enable prompt investigation and swift resolution. This complaints handling procedure sets a time limit of six months from when the complainant first became aware of the issue about which they are complaining within which they may ask for the complaint to be considered, unless there are special circumstances for requesting consideration of a complaint beyond this time.

THE COMPLAINTS HANDLING PROCEDURE

The complaints handling procedure is intended to provide a quick, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

The procedure involves up to two stages (see also diagram on page 9):with a third stage appeal to the Ombudsman

FRONTLINE RESOLUTION [STAGE 1]

Frontline Resolution seeks to resolve straight-forward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible.

- For issues that are straightforward and easily resolved, requiring little or no investigation.
- 'On-the-spot' explanation, apology, or other action to resolve the complaint quickly, in 5 working days or less, unless there are exceptional circumstances.
- Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline resolution.
- Complaint details, outcome and action taken recorded and used for service improvement.

COMPLAINT INVESTIGATION [STAGE 2]

COMPLAINT INVESTIGATION IS APPROPRIATE where a complainant is dissatisfied with the outcome of Frontline Resolution, or where Frontline Resolution is not possible or appropriate due to the complexity of the case.

- For issues that have not been resolved to the complainant's satisfaction at the frontline or that are complex or 'high risk'.
- A definitive response provided within 20 working days following a thorough investigation of the points raised.
- Responses signed off by Peter Maskell.
- Senior management have an active interest in complaints and use information gathered to improve services.

Note: For clarity, the term 'frontline resolution' refers to the first stage of the complaints process.

Complainants who remain dissatisfied after a Complaint Investigation has been completed by the Company have the right to ask the Ombudsman to review their case (see below).

INDEPENDENT EXTERNAL REVIEW (THE OMBUDSMAN) [STAGE 3]

- For issues that have not been resolved by the Company.
- Complaints progressing to the Ombudsman will have been thoroughly investigated by the Company.

The Ombudsman will assess whether there is evidence of service failure or maladministration not identified by the service provider.

STAGE ONE: FRONTLINE RESOLUTION – TO BE COMPLETED WITHIN 5 WORKING DAYS

Anyone who has a complaint is encouraged to raise it initially at the point of, or as close to the point as possible and to raise it with the department in which the issue arose. Complaints at this stage may be made face-to-face, by phone, in writing or by email.

The purpose of Frontline Resolution is to attempt to resolve as quickly as possible complaints which are straightforward and require little or no investigation. Complaints at this stage of the process may be addressed by any relevant member of the Company's staff and may be handled by way of a face-to-face discussion with the complainant, or by asking an appropriate member of staff to deal with the complaint.

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Members of staff to whom complaints are made will consider some key questions:

- Is this a complaint or will the individual be referred to another procedure?
- What specifically is the complaint about and which area(s) of the Company is/are involved?
- What outcome is the complainant hoping for and can it be achieved?
- Is this complaint straightforward and likely to be resolved with little or no investigation?
- Can the complaint be resolved on the spot by providing an apology/explanation/alternative solution?
- Can another member of staff assist in seeking a Frontline Resolution?
- What assistance can be provided to the complainant in taking this forward?

Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred or an apology and, where possible, what will be done to stop this happening in the future.

If responsibility for the issue being complained about lies in the staff member's area of work, every attempt will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant employee rather than simply passing the complainant on to another employee.

Extension to the five day timeline

Frontline Resolution should normally be completed within 5 working days, though it is to be hoped that a resolution might be achieved more quickly. In cases where a short extension of time is necessary and is likely to increase the possibility of resolving the issue without moving to the Complaint Investigation stage (for example, by obtaining information from other areas where no single area of the Company is responsible for the issue(s) being complained about), the complainant must be informed of the reasons for extending the deadline and advised of the new timescale for resolution. The maximum extension which can be granted is 5 working days (i.e. not more than 10 working days in total from the date of receipt of the complaint).

Closing the complaint at the Frontline Resolution stage

The outcome will be communicated to the complainant. This may be face-to-face, by phone, and must be confirmed in writing and, an accurate record must be maintained of the decision reached.

It is hoped that the complaint will be resolved at the Frontline Resolution stage of the complaints handling procedure. Where this is possible, the case will be closed and the record of the complaint updated accordingly. However, where it is clear that the complaint will require to be handled at the Investigation stage, the complainant will be advised of this and of the process to follow.

Once a decision has been issued, the record of the complaint must be updated on the recording system.

STAGE TWO: COMPLAINT INVESTIGATION – TO BE COMPLETED WITHIN 20 WORKING DAYS

These complaints may already have been considered at the Frontline Resolution stage, or they may be complaints identified upon receipt as appropriate for immediate Investigation.

A complaint will be moved to the Investigation stage when:

- Frontline Resolution was attempted, but the complainant remains dissatisfied. This may be after the case has been closed following the Frontline Resolution stage
- the complainant refuses to recognise or engage with the Frontline Resolution process and is insistent that the issue be addressed by a more senior member of staff
- the issues raised are complex and will require detailed investigation
- the complaint relates to issues that have been identified by the Company as high risk or high profile

Special attention will be given to identifying complaints considered high risk/high profile, as these may require particular action or may raise critical issues requiring direct input from senior management. Potential high risk/high profile complaints may:

- involve serious service failure, for example major delays in service provision or repeated failures to provide a service
- generate significant and on-going press interest
- pose a serious operational risk to the Company
- present issues of a highly sensitive nature

Complainants wishing to move to the Investigation stage will be strongly encouraged to provide full details of the complaint and any relevant documentation. If they choose not to write it down and would prefer to complain in person, the complaint can be taken down with them and signed by them or a letter written, by the complaints investigator, to confirm the scope of the complaint.

The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant that represents the Company's definitive position.

What the Company will do when it receives a complaint for investigation

The Company will allocate the complaint to a Complaints Investigator. It is important to be clear from the start of the Investigation stage exactly what is being investigated, and to ensure that both the complainant and the complaints investigator understand the scope of the investigation. In discussion with the complainant, three key questions should be considered:

1. What specifically is the complaint (or complaints)?
2. What does the complainant want to achieve by complaining?
3. Do the complainant's expectations appear to be reasonable and achievable?

If the complainant's expectations appear to exceed what the Company can reasonably provide or are not within the Company's power to provide, the complainant will be advised of this as soon as possible and followed up in writing in order to manage expectations about possible outcomes.

Details of the complaint must be recorded on the system for recording complaints. Where the complaint has been through the Frontline Resolution stage this must be evident in the complaints log. At the conclusion of the investigation the log must be updated to reflect the final outcome and any action taken in response to the complaint.

Timelines

The following deadlines will be used for cases at the Investigation stage of the Complaints Handling Procedure:

- complaints will be acknowledged in writing within 3 working days
- the Company will provide a full response to the complaint as soon as possible but not later than 20 working days from the time that the complaint was received for investigation.

Extension to the timeline

Not all investigations will be able to meet this deadline; for example some complaints are so complex that they will require careful consideration and detailed investigation beyond the 20 working days timeline. Where there are clear and justifiable reasons for extending the timescale, Peter Maskell will exercise judgement and

will set time limits on any extended investigation, with the agreement of the complainant. If the complainant does not agree to an extension but it is unavoidable and reasonable, then Peter Maskell will consider and confirm the extension. In such circumstances, the complainant must be kept updated on the reason for the delay and given a revised timescale for bringing the investigation to a conclusion. It is expected, however, that this will be the exception and that the Company will always strive to deliver a definitive response to the complaint within 20 working days. The complainant should be informed at all stages in writing.

Where an extension has been agreed, this will be recorded appropriately and the proportion of complaints that exceed the 20-day limit will be evident from reported statistics.

Closing the complaint at the Investigation Stage

The outcome of the investigation will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, must be recorded on the system for recording complaints. The decision will also advise the complainant about:

- their right to ask the Ombudsman to review the complaint
- the time limit for doing so
- how to contact the Ombudsman

INDEPENDENT EXTERNAL REVIEW (The Ombudsman)

Once the Investigation stage has been completed, the complainant is entitled to refer their case to the Ombudsman for review. The Ombudsman considers complaints from people who remain dissatisfied at the conclusion of the Company's complaints handling procedure. The Ombudsman looks at issues such as service failures and maladministration (administrative fault) as well as the way the Company has handled the complaint.

MANAGEMENT OF THE COMPLAINTS HANDLING PROCEDURE

Roles and Responsibilities

All staff will be aware of:

- the complaints handling procedure;
- how to handle and record complaints at the Frontline Resolution stage;
- who they can refer a complaint to if they are unable to handle the matter personally;
- the need to try and resolve complaints early and as directly (within their section) as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

Peter Maskell will ensure that:

- the Company's final position on a Complaint Investigation is signed off by an appropriate senior member of staff or by himself in order to provide assurance that this is the final definitive response of the Company and that the complainant's concerns have been taken seriously;
- he maintains overall responsibility and accountability for the management and governance of complaints handling within the Company;
- Peter Maskell will have an active role in, and understanding of, the complaints handling process (although not necessarily involved in the decision making process of complaints handling); and
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the Company.

Complaints about senior staff

Complaints about senior staff may be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation initially this complaint will be heard by the Companies HR Consultants. .

4. RECORDING, REPORTING, PUBLICISING AND LEARNING

Valuable feedback is obtained through complaints. One of the objectives of the complaints handling procedure is to identify opportunities to improve provision of services across the Company.

By recording and using complaints information in this way, the causes of complaints can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.

Recording complaints

To collect suitable data, it is essential that all complaints are recorded in sufficient detail. The minimum requirements are as follows:

- name and contact details of the complainant
- date of receipt of the complaint
- category of complaint
- staff member responsible for handling the complaint
- action taken and outcome at Frontline Resolution stage
- date the complaint was closed at the Frontline Resolution stage
- date the Investigation stage was initiated (if applicable)
- action taken and outcome at Investigation stage (if applicable)
- date the complaint was closed at the Investigation stage (if applicable)
- remedial action taken (if applicable)
- response times at each stage

The Company has structured systems for recording complaints, their outcomes and any resulting action so that the complaint data can be used for internal reporting as indicated below

Learning from complaints

At the earliest opportunity following the closure of the complaint, the complaint handler or investigator will always satisfy themselves that all parties involved understand the findings of the investigation and any decisions made. Senior management will ensure that the Company has procedures in place to act on issues that are identified. These procedures facilitate:

- using complaints data to identify the root cause of complaints
- taking action to mitigate the potential for reoccurrence
- recording the details of corrective action in the complaints file
- systematically reviewing complaints performance reports to improve performance.

The analysis of management reports detailing complaints performance will help to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where the Company identifies the need for service improvement:

- a member of staff will be designated the 'owner' of the issue, with responsibility for ensuring that any identified action is taken

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- a target date will be set for the action to be implemented, and followed up on to ensure delivery within this timescale
- where appropriate, performance in the service area will be monitored to ensure that the issue has been resolved.

Maintaining confidentiality

Confidentiality is an important factor in conducting complaints investigations. The Company will always have regard to any legislative requirements; for example, data protection legislation and also internal policies on confidentiality and the use of complainant information. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

Managing unacceptable behaviour

It is recognised that people may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainant acting in an unacceptable way. Complainants who display difficult behaviour may still have a legitimate grievance, and the Company must therefore treat all complaints seriously and assess them properly.

The actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards the Company's staff. The Company will, therefore, put into place policies and procedures to protect staff from such unacceptable behaviour.

Supporting the complainant

Anyone who receives, requests or is directly affected by the services the Company provides has the right to access the Company's complaints handling procedure. Complainants who do not have English as a first language may need help with interpretation and translation services and other complainants may have specific needs which the Company will seek to address to ensure easy access to the complaints handling procedure by making reasonable adjustments to help the complainant. There are a number of support services available which can provide helpful support to those who wish to pursue a complaint with the Company.

THE COMPLAINTS HANDLING PROCEDURE

