

COMPLAINTS POLICY

1 INTRODUCTION

1.1 Aims of the Policy

As a Registered Housing Association, operating in various local communities, ARK Housing Association aims to provide the highest standard of Customer Care in its various services, to both supported and mainstream tenants. It also attempts to be accountable to the general public - some of whom may be applying for accommodation or employment - and to third parties who may be affected by its services and operations, eg relatives of supported tenants, Local Authority purchasers, adjacent proprietors affected by building works.

To this end, the Association operates internal procedures, which are monitored and reviewed regularly, in order to achieve the quality of approach we set ourselves.

Many small issues of disagreement or dissatisfaction can be resolved, by seeking:-

- a second opinion, from a more senior member of staff ;
- by requesting a written statement of the case and the policy context in which a decision has been made; and
- by writing direct to the Committee of Management

The Association, via its Customer Care Code "Opening Doors and Open to Comment" would encourage this initial approach and hope to settle most grievances amicably and quickly, using common sense. While we welcome representation of the complainant by another party (Solicitor, Councillor, etc) we prefer to deal direct in the first instance. However, it is recognised that such an informal approach may not satisfy all complaints and hence the following procedures have been adopted.

1.2 Objectives of the Policy

- To provide a means by which any party in dispute with the Association can quickly and effectively gain access to someone or some body, which can help to resolve the problem.

- To enable the Association to monitor the effectiveness and the level of satisfaction, of its policies and procedures and customer service.
- To assist the Association in reviewing practice, in the light of complaints about policies, systems and procedures.
- To detail the types of issues which lead to dispute and direct the complainant to the appropriate means of resolving these.
- To comply with good practice guidance, laid down by Scottish Homes and the Scottish Federation of Housing Associations.
- To be fair to, and even-handed with, all sides to the dispute, particularly to the staff of the Association, who may be the subject of the complaint.
- To deal with equality of opportunity complaints in a confidential manner appropriate to the circumstances, and in line with the Association's Equal Opportunities Policy.

2 TYPES OF COMPLAINT

2.1 **Informal Complaint**

These are issues which are brought up verbally and can usually be resolved by investigation and negotiation at an early stage.

Examples

<u>Description</u>	<u>Referred To</u>	<u>How Handled</u>
Repairs dissatisfaction	Repairs Clerk/ Maintenance Manager	Contractor chased up or recalled Authority to do the repair may depend on budgets and our programme of works
House Allocation/ Application	Housing Manager	Policy and points system checked and the outcome explained. <u>No other party's details will be divulged</u>
Poor Customer Services (time taken to reply, unacceptable behaviour by a member of staff)	Chief Executive (or next senior member of staff on duty)	Issue will be investigated and if Association in the wrong, an apology will be issued. Action will be taken to prevent recurrence.
Disputed financial issue	Finance Officer/ Chief Executive	Matter will be checked on the spot and hopefully differences of discrepancies will be resolved

Note/

Note: Other policies apply
 These "complaints" will be treated as informal and will not be recorded.

Many more types of complaint will fall into this category and SHOULD THE COMPLAINANT NOT TAKE THE ISSUE FURTHER - it will be deemed to have been resolved. This will, of course, not necessarily be the case but the onus will be on the complainant, advocate or support staff (where they, in conjunction with supported tenant, feel it to be appropriate) to escalate the matter to Stage-2. This can also be done by any relevant staff member should they feel the severity of the issue raised by the complainant warrants it.

3 Party, Neighbour disputes anti-social behaviour	Housing Manager	Under Estate Management Policies
Inter-resident dispute, aggression, harassment, etc of a <u>minor</u> nature	Local Manager	Under ARK's Supported Accommodation Procedures

2.2 Escalated Complaint

Often the same issues as above, but viewed by the complainant as unresolved by the staff member's initial handling of the matter. Such issues will inevitably be taken to higher authority and will be Recorded as "**escalated complaints**" - but not as Formal Complaints (using the formal complaint form and procedure). Staff who first deal with the complainant will record the issue and ask the complainant to verify the details by signature.

Examples of issues which from the outset would be treated as "escalated".

<u>Description</u>	<u>Referred To</u>	<u>How Handled</u>
Repair not carried out despite repeated request	Housing Manager	Investigated - possibly referred to Committee for authority to spend
Repairs work led to an accident/damage to property	Property Manager	Details in writing will be required. A thorough investigation will be set-up, leading to some action
Complaints as to perceived favouritism in the allocation process	Chief Executive	A confidential interview will be arranged and <u>specific</u> allegations must be offered by the complainant. These will all be investigated and a report for information or for instructions will be made to the Management Committee (observing confidentiality).

Complaints regarding equality of opportunity in the Recruitment / Selection process	Chief Executive	A confidential interview will be arranged and <u>specific</u> allegations must be offered by the complainant. These will all be investigated and (as above) a report will be made to the Management Committee (observing confidentiality).
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Any complaint by a supported tenant (or their representative) about quality of service, irregularities in financial matters, etc	Regional Manager	A confidential interview will be arranged and <u>specific</u> allegations must be offered by the complainant. These will all be investigated and a report will be made to the Management Committee (observing confidentiality).
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Complaints about Staff

Any complaint specifically referring to a named member of staff, will be handled as follows:-

Where the complaint is related to a serious allegation, eg abuse/potential gross misconduct, then reference should be made to the relevant Association policies. In other cases, the individual member of staff will be advised of the general nature of the complaint and that they will be interviewed in the context of this at an appropriate time.

The Manager dealing with the complaint will decide who is the most appropriate person to carry out the investigation, and this person will interview only those individuals who can assist in the resolution of the complaint. It is important that staff appreciate that this is not a disciplinary situation and that the purpose of the interviews is to identify the validity of the complaint and potential solutions.

The investigating officer will report his/her findings to the person responsible for dealing with the complaint and that person will decide on an appropriate response/outcome. He/she will convey this decision to the complainer and the member of staff.

Where it becomes apparent to the investigating officer, whilst carrying out the investigation, that a breach of discipline may have occurred, then he/she will discuss this with the officer responsible for dealing with the complaint and the Human Resources Manager before proceeding further with his/her investigation. If it is deemed necessary to investigate the complaint within a disciplinary framework, then the Association's policy will be followed and the appropriate employment rights afforded to all concerned. In these circumstances, the complaint will be held in abeyance until the disciplinary process is completed and re-commenced once an outcome has been agreed. Details of disciplinary hearings will not be shared with the complainer.

The outcome of all Escalated Complaints will be addressed to the complainant in writing (and copied to the personal file, should the complainant be a tenant).

On receipt of the Association's report or response to the complaint, it is up to the Complainant to judge as to whether the answer or offer is satisfactory. Should no further response be received from the complainant, the Association will assume that the matter is settled. Should the complainant wish to continue the issues, the Association would prefer this to be in writing and to make reference to any disputed points in the Officer's response.

2.3 Formal Complaints - Using the Official Form and Procedure

Why describe as formal?

Mainly because a greater degree of form-filling and reporting will invariably follow, due to the complainant classifying their complaint as being in the category of "**Serious - and unresolved by previous procedures**". This does not mean that previous procedures must have been tried and found unsatisfactory. It is up to the Complainant, as to whether they wish to take a complaint immediately to this level, but we would advise using a preliminary stage, which is more open to explanation, mediation and resolution. However, due to the time and consideration the Association will give such complaints at this formal stage, it does require the complainant to complete the detailed complaints form, sign and date it and be responsible for delivering it to the Association. It will be receipted within 3 working days and an initial response, setting out the subsequent procedures, will be given within a further 5 working days.

What issues are involved?

It can be the same range and type of issues as previously described, but which the complainant feels to have been unsatisfactorily handled or considers unresolved.

It could be serious allegations involving staff and hence, not seen to be appropriately handled by staff. Or, as members of the Management Committee will be involved at this stage, it could concern one or all of the Committee and the formal complaint may require to be forwarded to Scottish Homes, or the Ombudsman for Housing Associations, or the Mental Health Commission.

For convenience we have divided the form into three areas and suggest that complainants categorise their issues into one of them.

- Outcome of Policy decision - eg decision to proceed to eviction, decision not to allocate a house, decision not to carry out a repair, rent setting, etc
- Service delivery by the Association - poor response, rude or unhelpful behaviour by officers or contractors, poor workmanship, delays in dealing with an issue, unprofessional conduct in caring for supported tenants, or inappropriate provision for them

- Third party complaints -Where the complainant believes themselves to be an "injured party" at the hands of the Association - due to the actions of the Association or its officers or contractors. These could be considered to be the serious consequence of a service difficulty or breakdown. This is different from complaints about third parties other than the Association (which should be dealt with under Estate Management or Supported Accommodation Procedures).

How handled?

Your formal complaint will be investigated by an officer (other than those previously dealt with - or, if the complaint be about the Chief Executive, by the Committee Secretary. If the formal response you receive is deemed unsatisfactory and does not resolve the issue, you can Appeal against the response and ask for the issue to be considered by a group of three persons - the Chief Executive, the Committee Secretary (or a designated replacement), and an Independent Representative. If the Chief Executive be inappropriate due to the nature of the complaint, an alternative housing/care practitioner would be asked in. The Independent Representative would require to be acceptable to both parties and would first be sought from the Society of Arbiters.

This "arbitration group" of three will issue its response within 15 days of the receipt of the formal appeal. Should the complainant wish to meet with the group, they can formally request to do so, as part of their appeal. Should the complainant wish the matter to be raised with the full Management Committee, they can formally request this also. However, this final review of the case would be restricted to a report of the issue by the Committee Secretary (with identities of the parties to the complaint being withheld), together with any written deposition from the complainant, in response to the "arbitration group's" formal response to them. The full Management Committee's response would then be the final say in the matter and any further recourse would be via the Housing Association Ombudsman -

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TEL: 0800 377 7330

Any complainant is free to approach the Ombudsman or any other support/advice agency (leaflets are available at the office) although the Ombudsman will normally only take up a case where the complainant has invoked the Association's procedures. The Association undertakes to co-operate with the Ombudsman's enquiries, and its Management Committee will give full consideration to the notified outcome of the Ombudsman's investigation - should one be undertaken.