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| POLICY TITLE | COMPLAINTS POLICY  |
| AUTHOR | CHRISTINE LEITCH |
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| REVIEW BODY | MANAGEMENT COMMITTEE |
| POLICY ON WEBSITE | YES |
| SCOTTISH HOUSING REGULATOR STANDARDS | STANDARD 1 : The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service usersSTANDARD 2 : The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, servic4e users and stakeholders. And its primary focus is the sustainable achievement of these priorities.STANDARD 4 : The governing body bases its decisions on good quality information and advice and identifies an mitigates risks to the organisations purposeSTANDARD 5 : The RSL conducts its affairs with honesty and integritySTANDARD 6 : The governing body and senior officers have the skills and knowledge they need to be effective. |

1 **Policy**

1.1 Cathcart & District Housing Association Ltd (CDHA) is committed to providing high quality services to customers. However, there may be occasions when customers are dissatisfied with the level or type of service they have received and wish to make a complaint.

1.2 We will actively encourage complaints, comments and compliments. We will use them as an opportunity to learn about our strengths and about areas requiring improvement (which may be policy, procedure, behaviour or outcomes), to inform and improve the services we deliver. Some examples of what you might find cause to complain about

* if a repair has not been carried out properly;
* if you have not received information you asked for;
* if you feel a member of staff, a committee member or a contractor has not provided an efficient and courteous service;
* if you feel your housing application has not been handled properly.
* If you feel you have been treated unfairly or have been discriminated against.
* If there is a problem with any of our services
* If we have failed to meet our obligations to you under your tenancy agreement

Complaints against neighbours will be dealt with under our neighbour disputes procedure.

1.3 A complaint can be received from anyone who feels they are dissatisfied with the service they have received from the Association. Only tenants, sharing owners and housing applicants of CDHA can refer their complaint to The Independent Housing Ombudsman Service after concluding Stage 2 of the procedure. Owners who receive a factoring service from us have a separate course of redress through the Home Owners Panel (details below)

1.4 We will treat all complaints confidentially and in line with our Equal

Opportunities Policy and will deal with all complainants in a polite and helpful manner.

1.5 We will give customers clear information on how they can make a complaint and may suggest contacting someone independent to assist them in making their complaint. Where required we will provide translation and interpretation services to enable tenants to access this procedure. We will inform customers of other steps that they can take if they remain dissatisfied.

1.6 CDHA will operate a clear and open Complaints Policy. Complaints will be managed within set timescales, ensuring complaints are fully investigated and the person making the complaint receives a reply within a specified period of time.

1.7 There will be two stages to the complaints procedure:

1.7.1 **Stage one: frontline resolution**

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

If we can’t resolve your complaint at this stage, we will explain why. If you are still dissatisfied you can ask for your complaint to be investigated further through stage 2. You may choose to do this immediately or some time after you get our initial response. We can help you with making this request.

1.7.2 **Stage two: investigation**

Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation. These types of complaints can again be made directly to the service concerned, the Director or the Management Committee.

When using stage 2 we will:

 acknowledge receipt of your complaint within three working days

 discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for

 give you a full response to the complaint as soon as possible and within 20 working days.

If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

1.7.3 **What if I’m still dissatisfied?**

After we have fully investigated, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO cannot normally look at:

* a complaint that has not completed our complaints procedure (so please make sure it has done so before contacting the SPSO)
* events that happened, or that you became aware of, more than a year ago
* a matter that has been or is being considered in court.

You can contact the SPSO:

In person SPSO 4 Melville Street Edinburgh EH3 7NS

By post SPSO Freepost EH641 Edinburgh EH3 0BR

Freephone 0800 377 7330

1.8 **Complaints about factoring**

A separate Factoring Complaints Procedure for customers receiving a factoring service is available upon request.

The SPSO does not normally look at complaints about our factoring service. From October 2012 there will be a new route for these complaints: the Homeowners Housing Panel. This will work to resolve complaints and disputes between home owners and property factors. So if a factoring customer is still dissatisfied after our investigation stage, they can go to the Homeowners Housing Panel

1.9 **Reporting a Significant Performance Failure to the Scottish Housing Regulator**

The Scottish Housing Regulator (SHR) can consider issues raised with them about ‘significant performance failures’. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systemic problem that does, or could, affect all of a landlord’s tenants. If you are affected by a problem like this, you should first report it to us. If you have told us about it but we have not resolved it, you can report it directly to the SHR.

A complaint between an individual tenant and a landlord is not a significant performance failure. Significant performance failures are not, therefore, dealt with through this complaints handling procedure. You can ask us for more information about significant performance failures. The SHR also has more information on their website:

http://www.scottishhousingregulator.gov.uk/

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative or an advocate, if you have given them your consent to complain for you.

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing please tell us.

1.10 Where we recognise that we have failed in delivering our services and a complaint is upheld we will offer appropriate redress ranging from an apology to, in some cases, the payment of appropriate financial compensation.

1.11 CDHA reserves the right to refuse to deal with complaints that are pursued unreasonably.

1.12 CDHA reserves the right to deal with a complaint differently (outside the normal procedures) if circumstances require this. In such a rare case, the Association will record why it has dealt with the complaint differently and will inform the complainant accordingly.

1.13 We will monitor, report and publish data on complaints and give customers the opportunity to comment upon the operation of the policy and procedures.

1.14 Complaints where legal action has commenced will not be progressed through the Complaints Policy. For the purpose of this policy legal action is defined as such only when a court date has been applied for by either party.

1.15 MP and Councillor enquiries should not be treated immediately as complaints unless the enquiry relates to a reported complaint.

2 **Definition**

2.1 CDHA Housing considers a complaint to be an expression of dissatisfaction about our service delivery to the complainant where an initial response to the problem has not proven satisfactory. The fact that we may or may not uphold the complaint as justified is irrelevant.

2.2 A complaint can be received from anyone who feels they are dissatisfied with the service that they have received from the association.

2.3 An expression of dissatisfaction may be about action or lack of action or about the standard of a service. It may be when we, or someone working on our behalf has:

2.3.1 done something wrong e.g. given the wrong information, staff have been rude or unhelpful

2.3.2 done something that should not have been done

2.3.3 failed to do something that should have been done

2.3.4 treated someone unfairly e.g. discriminated against particular groups of people

2.3.5 failed to deliver what is promised e.g. not delivered a service within the agreed time

2.4 Staff will try to resolve any issue causing a customer dissatisfaction at the point of enquiry. Where customers remain dissatisfied, we will recognise our customers have a right to decide that the matter is treated as a complaint.

2.5 A distinction is made between requests for a service (e.g. reporting a repair or an incident of anti-social behaviour) and dissatisfaction with the standard of a service (e.g. complaining that a repair has not been carried out even though it has been reported or complaining that the Association has failed to deal adequately with anti-social behaviour reports). A request for a service is not a complaint.

2.6 All incidents of nuisance, anti-social behaviour, harassment and racial harassment will be recorded separately in accordance with the relevant policy and procedure.

2.7 If there is any doubt about whether a matter should be recorded as a complaint the director will make the final decision.

3 **Service Standards**

3.1 The service standards detailed below describe the levels of service customers should expect to receive.

We will:

• Encourage complaints, compliments and comments, to learn about what we are doing well and where we can improve. We will do this by:

• publicising contact points for customers who need advice on how to make a complaint.

• Making available complaints leaflets and forms (including Omsbudsman's leaflets) at our offices.

• Try to resolve any issue causing dissatisfaction as soon as it is brought to our attention. If customers remain dissatisfied we will treat the problem as a complaint.

• Accept complaints made by telephone, or in person (in which case it will be written down), in writing, by e-mail, fax, via our website and in any language.

• Acknowledge complaints within 3 working days

• Where possible provide a full response to complaints, at stages 1 and 2 of the complaints procedure, within 5 working days of receiving the complaint.

• Where this is not possible, e.g. because further investigation is required or because of key staff absences, we will write and notify customers of this indicating when a full response can be expected.

• The Association will not consider requests to move the complaint to the next stage in the procedure that are received more than 10 calendar days after the response to the previous stage.

• Give the name of the person dealing with each stage in the complaint

• Provide assistance to make a complaint if necessary.

• Offer interpreting services if required

• Investigate complaints fully and fairly

• Offer advice on other independent agencies who may be able to help

• Report and publish information about complaints we have received

• Make available copies of the Association’s Complaints Policy on request

**Procedure**

4 Purpose of Procedures

4.1 These procedures outline how staff should administer the CDHA Housing Association Complaints Policy.

4.2 For a definition of what constitutes a complaint, refer to Section 1.2 of the Complaints Policy.

4.3 Service Standards relevant to the Complaints Policy are detailed in Section 3 of the Complaints Policy.

5 How to take a complaint

5.1 1st point

5.1.1 All staff are responsible for receiving complaints from customers.

5.1.2 The Director will be responsible for ensuring that all staff are aware of the policy and procedure and are appropriately trained in complaint handling.

5.2 How to handle complaints received in person

5.2.1 Be courteous and helpful. Encourage the customer to make the complaint, and listen to the points being made. It is important not to interrupt the complainant or to be defensive. Say sorry if it seems appropriate to do so.

5.2.2 Handle it confidentially. If seeing the customer in the office, use a private interview room

5.2.3 Establish if interpreting services are required. If so this will probably require a new appointment to be made

5.2.4 Find out the facts and try to resolve the matter immediately. Most importantly, establish what the customer wants us to do. If you need to speak to a colleague to resolve the matter, ask the customer if they are willing for you to ring them back within the day. If they are – make sure you do it. If they are not, proceed to the next step.

5.2.5 Ask the customer if they are satisfied with your response or if they wish to register a formal complaint.

5.2.6 If they choose to register a complaint, briefly explain the complaints procedure. If they are in the office, give them a complaints leaflet which includes a form to complete. Offer assistance to complete it.

5.2.7 If the complaint is made by telephone, complete the complaints form over the phone.

5.3 What to do with complaints received

5.3.1 All letters of complaint and completed complaint forms must be logged in the mailing system as soon as they are received. Then passed in the first instance to the “relevant person” (The relevant person is most likely to be the officer who deals with the department about which the complaint refers i.e. if the complaint is about a repair pass it to Maintenance) Otherwise pass all complaints initially to the Director.

6 Administering Complaints

6.1 Complaints from the website will drop into the “info” mail box. From there the director will allocate them to the appropriate member of staff.

6.2 In addition, the Director will identify any letters of complaint when distributing the post or those received by hand and pass them to the relevant member of staff.

6.3 Admin staff will ensure all complaints are logged on the database and maintained in a central complaints file. All complaints will be given a reference number. The same reference number will be allocated to a complaint whatever stage it is at.

6.4 Admin Staff will acknowledge complaints in writing within 3 working days. A copy of the complaint, acknowledgement letter and summary pro forma will be passed to the person dealing with the complaint. The originals will be kept in the complaints file.

6.5 Admin Staff will prompt each Officer or Director investigating a complaint with a reminder on the 3rd working day of the 5 working day response deadline. It is the responsibility of Admin Staff to ensure the relevant Officer or Director receives the reminder.

6.6 It is the responsibility of the person assigned to deal with the complaint to send the full response within the deadline, complete the pro forma and return it to the Admin Staff to update the database.

6.7 If further investigation is required to address a complaint or because of key staff absences the 5 working day target cannot be met, the Officer or Director investigating the complaint is responsible for advising the complainant, within the 5 day timescale, of a revised timescale explaining the reasons for the delay.

6.8 If the complaint relates to an officer of the Association who would normally be expected to respond to the complaint, the director will investigate and respond to the complaint.

6.9 If the complaint at Stage 1 is about the Director of the Association, the Chairperson of the Management Committee would normally investigate and respond to the complaint.

6.10 Admin Staff are responsible for sending out a Complaint Feedback

Form after a complaint has been resolved.

6.11 All forms and any letters/correspondence, records of conversations etc. should be kept on the complaints file with a copy on the house file.

7 **Investigation of Complaints**

7.1 It is the Association’s aim to investigate complaints fully and fairly. A thorough, open and impartial investigation of the complaint must be conducted to ascertain the facts.

7.2 Any extension required to conduct further investigation towards a full response must be put in writing to the complainant. This must be within the timescale of 5 working days and should explain the reasons for the extension.

7.3 In certain situations it may be necessary or beneficial, towards resolving the complaint, to contact the complainant. This may be to discuss the matter in more detail or to confirm certain facts. However, staff must ensure each stage of the Complaints Procedure is followed correctly and each timescale is met.

7.4 All written responses should aim to:

7.4.1 answer all points of concern that have been raised

7.4.2 provide a full explanation as to why a particular decision has been made

7.4.3 be factually correct

7.4.4 avoid jargon and use plain English

7.4.5 provide a name and contact number

7.4.6 advise of the next stage of the procedure should the complainant remain dissatisfied

7.4.7 include an apology if the complaint is justified and give an assurance that action has been taken to prevent the mistake happening again

7.4.8 acknowledge that the complainant is dissatisfied with the level of service whether justified or not

7.4.9 where appropriate offer some form of redress – what we are offering to the tenant to draw the matter to a satisfactory close

7.5 It is important to keep a record of all investigations and correspondence and any advice that is received. Copies should be made with originals passed to the Admin Staff for filing in the complaints file and on the house file.

7.6 In certain cases it may be appropriate to seek independent advice or use mediation services. It may be appropriate to do this at this stage to prevent the complaint escalating to the next stage.

8 **Data Protection and Confidentiality**

8.1 All staff should abide by the Association’s Confidentiality Policy.

8.2 All third party requests for personal data about a data subject (e.g. a tenant of housing applicant) should be made in writing. Examples of third party requests are those from MPs, Councillors and Solicitors.

8.3 Requests should be accompanied by confirmation from the complainant that they consent to the Association disclosing data to a third party.

9 **Insurance Claims and Legal Action**

9.1 In some cases it may be appropriate to refer the matter to the finance officer for referral to the association’s Insurers. In this case a simple holding letter should be sent.

9.2 The Finance Officer will administrate responses to and records of insurance claims. All correspondence relating to legal action or potential legal action against the Association will be passed to the Finance Officer . The Finance Officer will forward correspondence requiring a response from an officer or the Director to the insurers.

9.3 The Finance Officer should ensure that any necessary consents relating to personal data are received.

9.4 The Finance Officer will acknowledge correspondence from Solicitors within 5 working days of receipt.

9.5 The Finance Officer will inform the Association’s Insurance

company in writing of any claim made against the Association within 5 working days of receiving a claim. They will also inform the Director.

9.6 The Finance Officer will report on insurance claims and legal actions on a monthly basis

10 **Monitoring and Reporting**

10.1 Customer Feedback

10.1.1 We will survey all complainants to ascertain whether we are dealing with complaints quickly, effectively, and to the satisfaction of the person making the complaint.

10.2 Monitoring

10.2.1 Staff will produce reports for the management meetings on complaints.

10.2.2 Staff will also review complaints received and responses quarterly to identify service improvements, monitor that agreed actions have been taken and feed this in to the service improvement process (amendment of procedures etc).

10.2.3 The Director and Officers will use monitoring information to:

• identify areas of service delivery that require review/improvement

• identify any action required within their team/department to avoid similar complaints being made

• identify training needs

• provide information through staff meetings on good and poor performance areas

10.2.4 The Director will ensure that information on complaints and satisfaction levels is published in the tenants’ newsletter. We will also publicise details of any changes we have made in response to customer suggestions to show that we are positively using complaints to improve service delivery.

10.2.5 In order to maintain confidentiality all reports in relation to this procedure that are presented to committees or the board will have tenancy details removed.