

BUIDHEANN TIGHEADAS LOCH AILLSE AGUS AN
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LOCHALSH AND SKYE HOUSING ASSOCIATION

Complaints Policy and Procedures

DATE APPROVED:	10 December 2007
APPROVED BY:	Management Committee
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COMPLAINTS POLICY AND PROCEDURES

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COMPLAINTS POLICY AND PROCEDURES

1. INTRODUCTION

- 1.1 Lochalsh and Skye Housing Association aims to provide high quality, responsive and consistent services. However, there may be occasions when a user of our services is not happy with the level or quality of service and wishes to complain.
- 1.2 The Association welcomes and values complaints as an opportunity to gauge the level and quality of the services we provide. They provide free feedback on service delivery and provide a means to ensure the continuous improvement of the organisation.
- 1.3 All staff will be trained in complaint handling and complaints will be recorded in a consistent manner. We will regularly review and evaluate all aspects of the complaints process and will revise our policy and procedures as required.
- 1.4 A summary of our policy and procedures will be published and made freely available in leaflet form to tenants, owners and other customers as well as being publicised on our website.

2. IDENTIFYING COMPLAINTS

- 2.1 We define a complaint as follows:-

“A complaint is an expression of dissatisfaction, however made, which alleges failure on the part of the Association to perform a function, or to provide a service in line with stated Association policies, practices and procedures”.

- 2.2 Some examples of types of complaint include:-

- a failure to provide published information that was requested
- if a repair has not been carried out properly
- if the complainer feels that a member of staff, a committee member or contractor has not behaved reasonably towards them
- if they feel that an application has not been processed properly
- if they feel that they have been unfairly discriminated against

- 2.3 Examples of what is **not** considered to be a complaint include:-

- an initial request for a service
- asking for an explanation of a policy or an information leaflet

- an appeal against a decision
- a dispute with a neighbour which can be dealt with in terms of our Estate Management Policy or Anti-Social Behaviour Policy. However, if a customer has a complaint about the way we implemented the foregoing policies, then they can use the complaints process.

3. **DEALING WITH COMPLAINTS**

3.1 It is important that we find out why a complainant is unhappy and to understand what they want. All complainants will be listened to carefully, respected and treated as an individual.

3.2 Complaints can be made in person (or by another person or body acting on the complainants' behalf), by telephone, in writing or by electronic mail.

3.3 All complainants will be advised of:-

- who is dealing with their complaint
- what action is being taken to put things right
- that they will receive an explanation and an apology if it is found that things have gone wrong
- how to refer a complaint to another organisation or to the next stage of the complaints process.
- the time period within which we will respond to them if not dealt with immediately

3.4 All complainants will be made aware that the Association has a complaint form which can be used if necessary. Any complainant who requests a complaint form will also be sent the complaint leaflet.

4. **RESOLVING COMPLAINTS**

4.1 There are a number of stages in the complaints process:-

4.1.1 Stage 1

4.1.1.1 At first contact, it is aimed to resolve the vast majority of complaints quickly and effectively. Complainants will be encouraged to talk to (or write or email) the member of staff who is responsible for dealing with the service they are concerned about. This is the least formal stage of the process and all staff will be encouraged and empowered to deal with the complaint quickly and to settle matters without the need for the complainant to take more formal action.

4.1.1.2 Details of the complaint will be logged on the complaints database as will a

record of all subsequent actions taken, including, for example, follow-up telephone calls by the complainant or the member of staff and any correspondence received or issued.

4.1.1.3 Recording complaints at the time they are made is important where legal action may need to be defended. Staff should also be aware of the complainant's right to see their complaints files.

4.1.2 Stage 2

4.1.2.1 Complaints will escalate to this stage if:-

- They involve a significant issue (eg serious misconduct) requiring a high level of investigation
- They may involve the Association in significant financial expenditure
- They are unresolved at Stage 1.

4.1.2.2 Stage 2 complaints will be dealt with by the Director or in his/her absence (or if the complaint is against the Director) by the Depute Director. It is anticipated that a Stage 2 complaint will be in writing and will have more detail than any earlier complaints.

4.1.2.3 Details of Stage 2 complaints will also be recorded on the complaints database as detailed at paragraph 4.1.1.2 and the outcome of the complaint confirmed in writing.

4.1.3 Stage 3

4.1.3.1 This is the final internal stage for a complaint. It provides an avenue of **appeal** for those dissatisfied with an earlier response and will involve the Management Committee (or sub-committee formed for that purpose) considering the case history, reconsidering earlier complaints as well as decisions taken by staff prior to issuing a decision.

4.1.3.2 While important matters might be raised at Stage 1 or Stage 2, on certain occasions it will be reasonable to refer the issue directly to Stage 3, it being the most appropriate first point of contact for the matter in question.

4.1.3.3 The following are the key components of Stage 3:

- a complainant should state why the original decision was unacceptable or unsatisfactory for this stage to proceed.
- all requests for hearings shall be recorded with an opportunity being provided to the complainants to offer supplementary information.

4.1.3.4 Management Committee members considering an appeal or complaint should consider whether to review papers, examine the case afresh, visit the area/site or home in question, or hold an appeal hearing. Members involved in a

hearing should have suitable background knowledge of the issues in question.

- 4.1.3.5 Where hearings are used, these should be managed in a way that is as user friendly as possible. Informality is important, although the complainant might reasonably expect to bring a friend, adviser or representative. The Management Committee members might consider inviting a complainant to discuss the issue, without staff being present.
- 4.1.3.6 If a hearing is used, care should be taken to ensure both sides are given an opportunity to state their case and produce witnesses. Again care should be taken to prevent the process from becoming too daunting an experience.
- 4.1.3.7 Once the case has been considered, the Management Committee members should record their decision and prepare a report detailing their views and recommendations. The Management Committee members will also need to draft a response to the complainant to be sent on behalf of the Association by the Chairperson or their nominee. The response should explain the next, external, mechanisms available to those who might wish to take the matter further (normally referring complainants on to the Scottish Public Services Ombudsman). Details of the Committee action will also be recorded on the complaints database.

5. **EXTERNAL REVIEW**

- 5.1 Where a complainant is still dissatisfied with either the outcome of their complaint or the way it was handled, they have the right to contact the Scottish Public Services Ombudsman. The Ombudsman normally deals only with complaints that have been through an RSL's complaints procedure, and which centre on the role of an RSL as a landlord. This service extends to factoring of non-tenants. Where the internal procedure has been completed, the Ombudsman will examine the complaint. Where an RSL is in the wrong the Ombudsman will recommend redress for the complainant, if appropriate, identify failings in the RSL and make recommendations to rectify these.
- 5.2 Where the Ombudsman decides to carry out a formal investigation of a complaint, the Association will co-operate with the Scottish Public Services Ombudsman's staff in the investigation by:
 - providing access to copies of policies and compensation schemes;
 - providing access to documents relating to the particular complaint, and the way it was handled;
 - enabling staff to attend meetings with the Ombudsman and to co-operate with the investigation.
- 5.3 Complaints that are not covered by the Ombudsman include:
 - commercial decisions

- the level or amount of rents and service charges
 - neighbour disputes (although the Ombudsman can examine the way RSLs have handled a complaint about a neighbour)
 - complaints against Communities Scotland and other public sector landlords
 - complaints which have been the subject of proceedings in any Court of Law, or which have been the subject of findings by an arbiter or by a tribunal.
- 5.4 The Association will comply with any recommendation for redress issued by the Ombudsman. Leaflets about the Ombudsman's service will be made available from the Association's offices.

6. **MISCELLANEOUS**

6.1 Anonymous Complaints

- 6.1.1 Anonymous complaints will be recorded on the complaints database to monitor whether more than one source highlights the same issue.

6.2 Conflicts of Interest

- 6.2.1 For Stage 2 and 3 complaints, the Association will ensure that the staff or Committee Members investigating, considering or taking a decision on the complaint do not include any person previously concerned with the complaint or who has a personal or otherwise significant interest in the outcome.

6.3 Confidentiality

- 6.3.1 The Association will, as far as possible, respect the confidentiality of a complainant. Their name will not be divulged any more than is absolutely necessary within the Association.
- 6.3.2 If a complaint involves another resident or a member of staff, it will be difficult to investigate without contacting the resident or member of staff. If the complainant asks the Association not to contact the third party, their request will be complied with but it may not be possible to tackle the problem fully or in depth.

6.4 Independent Advice

- 6.4.1 Whilst the Association will endeavour to resolve complaints quickly and informally, it will encourage complainants to seek independent advice for complex or serious cases.

6.5 Redress

6.5.1 Complainants will be encouraged to set out what redress they feel is required if their complaint is upheld. This may involve a simple apology and agreed action to resolve the initial complaint.

6.5.2 Where financial compensation is requested or is being considered for payment, each case will be considered on its merits and any compensation offered will reflect actual financial loss together with an element to reflect the level of inconvenience/stress caused by the service failure.

6.6 Timelines

6.6.1 Our performance targets for responding to complaints which are not resolved immediately on receipt are as follows:

	<u>Acknowledgement Letter</u>	<u>Action Complete Letter</u>
Stage 1	2 Working Days	10 Working Days
Stage 2	2 Working Days	10 Working Days
Stage 3	2 Working Days	30 Working Days

6.6.2 We will monitor our performance against these targets in accordance with our performance management systems.

6.7 Reporting

6.7.1 All complaints logged on the complaints database are automatically reported to the relevant staff member required to handle the complaint and copied to the Director.

6.7.2 On a quarterly basis, the Director will report to the Management Committee on the following for all services:-

No. of complaints received (for each Stage)
No. of complaints resolved (for each Stage)
No. of complaints in progress (for each Stage)
Any referrals to the Scottish Public Services Ombudsman and their outcome
A log of any financial redress approved for payment
A note of Policy and Procedures implications for Committee consideration

7. **POLICY REVIEW**

7.1 This policy was approved by the Management Committee on 10 December 2007 and will be reviewed by the Management Committee or Sub-Committee set up for that purpose no later than December 2010.

APPENDIX I - COMPLAINT PROCEDURE FLOW CHART

