

BUIDHEANN TIGHEADAS LOCH AILLSE AGUS AN  
EILEIN SGITHEANAICH  
LOCHALSH AND SKYE HOUSING ASSOCIATION

# Complaints Policy and Procedures

<b>DATE APPROVED:</b>	<b>13 December 2010</b>
<b>APPROVED BY:</b>	<b>Management Committee</b>
<b>DATE OF REVIEW:</b>	<b>December 2013</b>

# **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 Chief Executive or in his/her absence (or if the complaint is against the Chief Executive) by the Depute Chief Executive. It is anticipated that a Stage 2 complaint will be in writing and will have more detail than any earlier complaints. If the complaint is a serious complaint against the Chief Executive, the procedures contained in Appendix 3 will be applied.

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 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 treated as seriously and within the same timescales as other complaints. They will be investigated through the same process as complaints from specified sources up to Stage One of the procedures and will be logged on to the complaints database in the same way.

### 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 Chief Executive.

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

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**

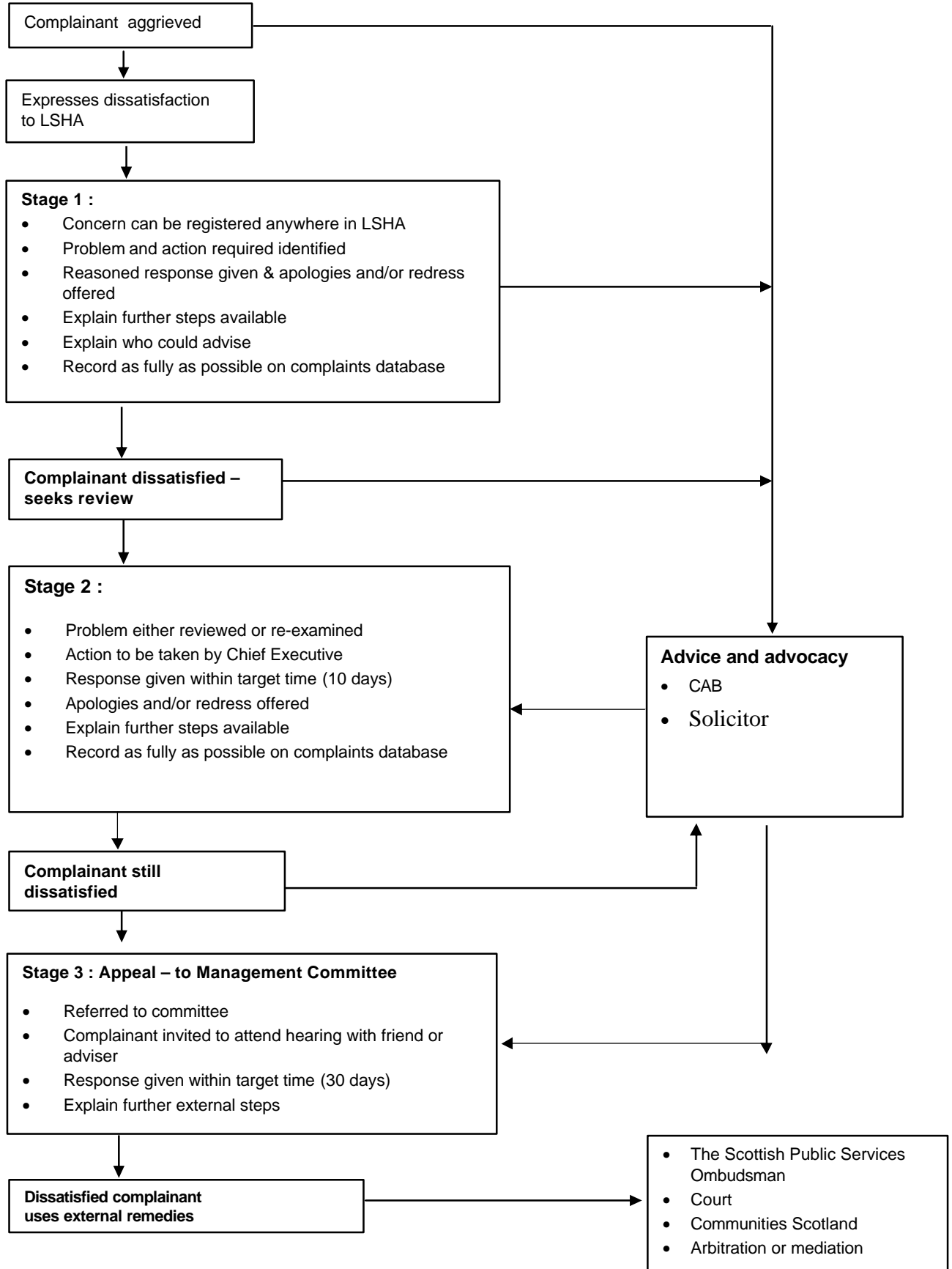
7.1 This policy was approved by the Management Committee on 13 December 2010 and will be reviewed by the Management Committee or Sub-

Committee set up for that purpose no later than December 2013.

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**CUSTOMER COMPLAINTS  
APPENDIX I - COMPLAINT PROCEDURE FLOW CHART**



**APPENDIX 2**

BUIDHEANN TIGHEADAS LOCH AILLSE AGUS AN  
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**COMPLAINT FORM**

If you wish to make a complaint please complete and return this form to the address detailed overleaf. If you have any queries about filling in this form or need it in a different format or language, please contact us:

Phone 01478 612035 or e-mail [info@LSHA.co.uk](mailto:info@LSHA.co.uk)

**Please use BLOCK CAPITALS and remember to sign the form at the end.**

**1. This section must be completed by the person making the complaint**

**From (your name and address)**

Name .....

Address.....

Postcode.....

Home telephone number..... Daytime telephone numbers(s) .....

Email .....

How would you like us to contact you? Home tel  Daytime tel  Letter  Email

If you are complaining on behalf of someone else, you must complete Section 2, if not, go to Section 3

**2. Complaining on behalf of someone else**

**ONLY** complete this section if you are making the complaint of behalf of someone else

**I am making this complaint on behalf of** .....

Name.....

Address.....

Postcode.....

Home telephone number..... Daytime telephone numbers(s) .....

Email .....

What is your relationship to the person on whose behalf you are complaining?

.....

.....

Please tell us why that person is not making the complaint him/herself?

.....

.....

The person must support your action in making the complaint and should sign here to confirm that they do

Signature ..... Date .....

(or please explain why the person is not able to sign)

**3. What are you complaining about?** Describe what has gone wrong and how you have suffered as a result. (Please continue on a separate sheet of paper if necessary.)

.....  
.....  
.....  
.....  
.....

**4. What, in your view, would help resolve the problem(s)?**

.....  
.....  
.....  
.....

**5. Information to support your complaint**

We need to see all the evidence you have about your complaint – in particular any letters involved. Any originals will be copied and returned to you.

Signature ..... Date .....

**Fax to: 01478 613377 or post to:**  
**Lochalsh and Skye Housing Association**  
**Morrison House**  
**Bayfield**  
**Portree**  
**Isle of Skye**  
**IV51 9EW**

**Telephone:**  
01478 612035

**Fax:**  
01478 613377

**e-mail:**  
info@LSHA.co.uk

**Website:**  
www.LSHA.co.uk

## APPENDIX 3

### **SERIOUS COMPLAINT OR GRIEVANCE AGAINST THE CHIEF EXECUTIVE**

1. In dealing with a serious complaint or grievance against the Chief Executive, the Management Committee will follow the guidance issued by The Scottish Housing Regulator in October 2010 and annexed to this Appendix. The Depute Chief Executive will be responsible for ensuring that the Association complies with this guidance.
2. The Scottish Housing Regulator will be notified by the Chairperson of a serious complaint or grievance against the Chief Executive, in accordance with SHR25, the guidance on “Notifiable Events”. The Chairperson will also advise the Regulator how the Association will deal with it.
3. The Association will seek appropriate, independent, professional advice to support it in handling the complaint and the procedures used will be those detailed in the Association’s Complaints Policy and Procedures for Stage 2 and Stage 3. If a grievance against the Chief Executive is being pursued, the Association will use the Grievance Procedures included in the EVH Statement of Terms and Conditions of Employment.

## **NOTIFIABLE EVENTS – REGULATORY EXPECTATIONS**

### **The Scottish Housing Regulator’s expectations about handling a serious complaint against the Director/Chief Executive of a registered social landlord**

#### **Purpose**

- 1 This supplementary advice sets out what we expect a governing body to do when dealing with a serious complaint or grievance against the Director/Chief Executive of the registered social landlord (RSL).
- 2 Our guidance on notifiable events (SHR25) requires RSLs to tell us when there is a serious complaint, investigation or disciplinary action relating to senior staff. These serious complaints do not arise often but because of their nature and sensitivity they have the potential to seriously damage the organisation. Our experience of these cases has shown us that if the governing body does not have a clear process to deal with such matters then it can get into difficulties and the original issue can be made worse by inappropriate handling of the complaint. So this note sets out our regulatory expectations with the aim of helping RSLs prepare to deal properly with this type of situation.
- 3 We do not become involved in employment matters. Employment issues are for the governing body as employer to resolve with the individual employee. But we do need to be assured that the governing body will handle a serious complaint or grievance about its Director properly and will seek external advice and support to help it manage these situations.

#### **Our expectations**

- 4 When dealing with a serious complaint or grievance about a Director, we expect RSLs to:
  - Tell us about it, in accordance with SHR25, our guidance on notifiable events;
  - Take prompt, independent and professional advice as appropriate to the individual complaint or grievance; and
  - Put in place strong governance systems that set out clear procedures for dealing with serious complaints or grievances about the Director and the role of the governing body. And we expect RSLs to be open and transparent about their decision-making processes.

#### **Notify SHR**

- 5 RSLs should deal with and resolve minor issues informally, at a local level, and we would not expect to be notified about minor grievances. And even serious complaints can be dealt with informally. But some serious complaints cannot be successfully resolved at the informal stage or are raised formally.
- 6 The Chairperson of the RSL should notify us if there is a formal serious complaint against the Director, for example serious allegations from an individual employee of bullying or harassment by the Director. And tell us how the governing body intends to handle it
- 7 We recognise the highly sensitive nature of such serious complaints. If RSLs give us information in confidence we will respect that confidentiality, provided it does not compromise our ability to safeguard the overall interests of the RSL or the sector, or breach our legal obligations.

#### **Take prompt, independent and professional advice**

- 8 We need to be assured by the governing body that it is seeking independent professional advice to support it in handling the complaint. In normal circumstances it is the Director who provides advice to the governing body. But clearly where it is the Director who is the subject of the serious complaint or grievance, he/she has a clear conflict of interest and cannot be involved in any way in managing the complaint made against him/her. In such cases the governing body should seek external advice and support to manage the complaint.
- 9 The governing body needs to act quickly when a staff member raises a serious grievance about the Director. For instance, if the grievance is about bullying or aggressive behaviour then the governing body has a responsibility to take immediate action. Given the likely sensitive nature of the grievance it should be handled carefully with independent, expert support and advice. The RSL may need to seek an employment/personnel specialist to assist, or a consultant with expertise in investigating such matters.
- 10 Where a serious complaint has been made against the Director by a governing body member or someone else who is not an employee, then we would also in these circumstances expect the governing body to ensure that it is taking independent advice about how to handle the complaint and that the Director takes no part in any investigation.

### **Have clear procedures**

- 11 RSLs must have clear procedures to set out how they will investigate serious complaints or grievances against the Director. RSLs which are members of EVH can apply the Grievance Procedures included in the Statement of Terms and Conditions of Employment and there is also a Guidance Manual for handling discipline and grievance issues. RSLs which are not EVH members may have other good practice guidelines which they can follow. We expect RSLs to apply the available good practice in dealing with the grievance and to meet our expectations as set out in this note.

### **The governing body's role**

- 12 Most RSLs have a standing sub-committee, such as a staffing sub-committee, with delegated authority to deal with personnel matters or consider serious staff complaints. In the case of a serious complaint against the Director, we would always expect the staffing sub-committee to be informed and involved, rather than the Chairperson dealing with the complaint alone. The staffing sub-committee is likely to be involved in hearing and deciding on the grievance. In some cases, it may be more appropriate to commission an independent party to conduct the investigation and report back to the sub-committee. Where there is an investigation then the sub-committee must oversee the investigation and record all decisions to ensure transparency.
- 13 Where the decision is taken to investigate a serious complaint, then the full governing body should be told but not about any of the detail, which must be kept confidential. This ensures:
  - The full governing body retains control over the RSL's affairs;
  - The details of the grievance remain confidential (the individuals at the centre of allegations have the right to confidentiality);
  - The full governing body knows the grievance is being dealt with, for example, by the staffing sub-committee;
  - If the RSL needs to bring in outside help, then the full governing body is aware of the situation from the outset and can authorise any associated costs;

- The governing body can monitor if a pattern of grievances emerges and decide what action to take; and
- By keeping the substance of the grievance confidential then there is a clean route for any appeal to be heard by other members of the governing body who are untainted by detailed knowledge about the issue.

14 At the end of the process, the full governing body should be told about the outcome of the grievance.

### **SHR involvement**

15 If we have concerns about the action the governing body is proposing to take, or it appears that the Director is involved in advising the governing body or in handling the grievance, then we may need to act to support the governing body to carry out its role effectively and properly.

### **Conclusion**

16 Serious complaints against the senior member of staff will not happen often, if at all, in most RSLs. But when they do occur they need to be handled properly. We expect to be notified if there is a serious grievance or complaint about the Director. We need to be confident that the governing body will discharge its employment responsibilities fully and properly and have access to objective and expert advice about how to handle a serious complaint or grievance against its Director. We expect RSLs to look at our regulatory expectations as we have set out here and ensure these are reflected in the RSL's own governance processes for dealing with such a situation.

**The Scottish Housing Regulator**  
**October 2010**