

<b>Policy on :</b>	<b>Complaints Policy &amp; Procedures</b>
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<b>Compliant with Performance Standard :</b>	<b>GS3.3 Complaints and Appeals</b>
<b>Compliant with Tenant Participation Strategy :</b>	<b>Yes</b>
<b>Compliant with Equal Opportunities :</b>	<b>Commitment contained within policy</b>
<b>Compliant with Internal Management Plan :</b>	<b>Policy review timescales. Affects all service delivery areas.</b>

<b>Date of Approval :</b>	<b>28<sup>th</sup> January 2010</b>
<b>Date for Review</b>	<b>January 2013</b>

<b>Responsible Officer :</b>	<b>Director, Shirley Robison</b>
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DIRECTOR/G&APOL.09/SAR/PB/28.01.10

# **Barrhead Housing Association Limited**

## **Complaints Policy & Procedure**

**This policy is available in different formats for example, if you have difficulty with sight or hearing or need a translated copy, please contact us.**

### **1. Introduction**

As a Housing Association, we provide services to tenants, applicants for housing, and owners whose properties are factored by us. Our aim is to deliver a good and fair service to all our customers at all times. Sometimes, however, we may fall short of this aim. If this happens, it is important for customers to tell us, so that we can address these concerns.

This complaints policy also gives us the chance to keep an eye on the quality of service we provide so that we can make improvements to it, where necessary.

We regard complaints as a positive source of feedback. They tell us:

- What customers think of our services
- How we can learn from mistakes
- How we can continually improve the service we provide

### **2. Our Definition of a Complaint**

A complaint is any expression of dissatisfaction with our service, whether it is justified or not.

We will take all expressions of dissatisfaction seriously, whether they are offered as comments, or whether they are raised informally or formally through the complaints procedure described below.

The following list provides some examples of things we would expect customers to tell us about:

- If a repair has not been carried out properly
- If customer are not happy with our service because, we have failed to deliver, or there was a delay, or the quality of service was not acceptable
- If our staff, a committee member or contractors do not provide an efficient and courteous service
- If someone feels they have been treated unfairly, or have been discriminated against
- If we have failed to meet any obligation described in the tenancy agreement
- If we have made a mistake, or if our procedures have failed

Some types of problems are not covered by the complaints procedures, for example:

- The contents of the Association's policies. We welcome feedback at any time about our policies and how well they are working. However, the complaints procedures do not cover cases where a customer disagrees with the policy but complaints can be made if customers feel we have not acted in accordance with the written policies.
- Complaints about other tenants or harassment are dealt with under our anti-social behaviour and harassment policies

While complaints about Committee Members will be considered by this policy, in addition we may also refer to Committee Member's Code of Conduct, which is a document that sets out standards for Committee members. All Committee members are required to agree to these standards.

### **3. Our Approach to Complaints in Summary**

We will use 3 steps to respond to complaints:

- Step 1:** Whenever we can, we will try to sort out problems on the spot, as soon as we become aware of them.
- Step 2:** If this fails, or if the customer wishes to place their concerns on record from the outset, customers can use our complaints procedure.
- Step 3:** If the customer is not happy with the outcome of the complaints procedure, the Complaint's Sub Committee (usually office bearers) can be asked to review the problem using the appeals procedure discussed below.

Ultimately, customers can refer complaints to The Scottish Public Services Ombudsman. This is a free, impartial and independent service. Contact details are provided later in this policy.

### **4. Complaints – Our Three Steps**

#### **Step 1 – Sorting out the problem on the spot:**

We will deal with any problems, which are brought to our attention as quickly as we can. Customers can bring problems to our attention in a number of ways:

By telephone on 0141 881 0638

By calling in to the office at 60/70 Main Street

By writing to us

By fax on 0141 881 0782

By e-mailing us at [enquiries@barrheadha.org](mailto:enquiries@barrheadha.org)

By downloading the complaints procedure from our website: [www.barrheadha.org](http://www.barrheadha.org)

Your complaint will be referred to the appropriate person or department. For example, repair complaints will be passed to the Property Manager. If you wish, you can ask to speak with a senior member of staff.

At this initial stage, we will speak with the customer to either:

- Allow us to examine their concerns and try to put these right as quickly as possible, without using the complaints procedure. We will act promptly to respond to this and aim to provide a follow-up response within 3 working days.
- If you remain unhappy, you can file a complaint using the procedures below.

## **Step 2 – Complaints Procedure:**

Complaints can be made by anyone who receives or requests a service from the Association, neighbouring residents, people or companies who provide services to the Association unless subject to legal action. Complaints can also be made by people acting on behalf of our customers, for example, Solicitors, Councillors, MSPs, or Citizens Advice Bureau.

If the complaint has not been resolved at step 1 or a customer wishes to do so, a formal complaint can be made to the Association's Director. The complaint can be made in writing, by telephone, by fax, by e-mail or by calling at our office in person.

It is important that all details are provided including most importantly how you would like to see the issues resolved. For complaints reported in person or by telephone, the Director will take a note of the complaint, how the customer would like it resolved, and will provide the customer with a copy of the note of the complaint.

How will we respond to complaints:

- The complaint will be recorded in the Association's complaints register, administered by the Director's personal assistant.
- The complaint will be acknowledged by the Director or the Director's personal assistant, within 3 working days. This will confirm how long it will take to examine the complaint in order to provide a detailed response.
- Conduct an investigation into the complaint. The Director may request information from other members of staff, review files, and speak to the person who has made the complaint.

We aim to respond to complainants in writing within 10 working days of receipt of the complaint to inform the complainant of the outcome. If this is not possible and we need longer to sort out the problem, a holding letter will be issued after 10 days to inform the complainant of the reasons for the delay. Any complaint made about the conduct of the Director will be referred directly to the Association's Management Committee.

The Appeals procedure can be used if the customer is dissatisfied with the outcome of their complaint, or how we have handled it.

### **Step 3 – Appeals Procedure**

If the customer still does not feel the complaint has been resolved satisfactorily, they can appeal, preferably in writing, to the chairperson of the Association, the appeal should set out the reasons for disagreeing with the decision reached on the earlier complaint and what the customer would like the Association to do to put things right. Your complaint will be referred to the Complaints Sub-Committee, unless it is of a very serious nature, in which case it will be heard by the Management Committee. The complainant's letter will be acknowledged within 3 working days. As the Association is members of FLAIR (federation of local housing associations in Renfrewshire), it is possible at the complainants request for the complaint to be referred to one of our FLAIR housing associations for an independent review. This complaint could be heard by the Complaints Sub-Committee at Bridgewater Housing Association or Paisley South Housing Association depending on availability. Other FLAIR Associations are still being consulted on this arrangement and we would be committed to on-going monitoring and review of this arrangement.

The complainant will be informed of when the Complaints Sub-Committee meeting is due to take place. The person making the appeal will be invited to attend the Complaint's Sub Committee meeting to put their case personally if they wish. They may be accompanied at the meeting by a friend or advisor.

The Complaints Sub-Committee's decision will be given in writing within 5 working days of the meeting. Where the Committee needs longer to consider an appeal, for example if the case is complicated, the customer will be advised as soon as possible and no later than 5 working days of the Committee Meeting. In these circumstances, a full response will be provided as soon as possible and no later than 10 working days after the Committee Meeting. If the customer remains unhappy with the decision, they can contact The Scottish Public Services Ombudsman.

#### **5. The Scottish Public Services Ombudsman**

The Ombudsman's service is free, impartial and independent. The Ombudsman's office is located at 4 Melville Street, Edinburgh, EH3 7NS.

Complainants can use the Freepost address at: SPSO, Freepost EH641, Edinburgh, EH3 0BR. The Ombudsman's free phone, fax numbers and other contact details are shown below:

**Tel:** 0800 377 7330  
**Text:** 0790 049 4372  
**Fax:** 0800 377 7331  
**E-mail:** [ask@spsso.org.uk](mailto:ask@spsso.org.uk)  
**Web:** [www.spsso.org.uk](http://www.spsso.org.uk)

The Ombudsman's service is usually only available after customers have exhausted the Association's complaints and appeals procedure and normally submitted within 12 months of the complaint being made.

The Ombudsman has powers to examine and report upon cases where there is a claim that a member of the public has sustained injustice or hardship in consequence of maladministration, poor service or administrative failure.

In general, the Ombudsman service may not agree to investigate a complaint, if it considers that it relates to a properly made decision, which we as a provider of services were entitled to make.

Where The Ombudsman issues a report, the Association will ensure that it complies with its duty to publish the report and make it available for inspection or copying for a period of at least three weeks.

## **6. Other Important Information about Complaints**

### **➤ Confidentially and Anonymous Complaints**

We will respect the confidential nature of all complaints we receive. Complaints will be dealt with impartially, objectively and professionally, with no adverse treatment of the person who has made the complaint.

If the customer asks us not to speak to particular individuals, we will respect their wishes but this may restrict our ability to resolve the problem.

We will do our best to investigate anonymous complaints. However, our ability to investigate these complaints will be constrained and it will be much easier if the identity of the person making the complaint is known.

In keeping records about complaints and in allowing access to our complaints register, we will comply with legislative requirements including, Access to Person at Files Act 1987 and Data Protection Act 1998.

### **➤ Persistent or Repetitious Complaints**

The Association wishes to respond positively to any concerns, which our customer may have. However, very occasionally, we may reject a complaint without a detailed investigation, if we feel that it is deliberately repetitious. This is most likely to apply where the matter has been subject to a previous complaint, we have dealt with the original complaint to the best of our ability or the complainant is asking us to investigate the same matter again.

### **➤ Independent Advice**

There are several sources of independent advice and other assistance customers may wish to use to help with making a complaint. These include some of the following:

Citizens Advice Bureau  
Welfare Rights Service  
Law Centre  
Solicitor  
Tenant Organisations

More information including contact details is available from the Association's Office.

## ➤ **Other Agencies**

For those receiving additional housing support, for example our sheltered housing residents, complaints can also be made directly to The Care Commission. This is an independent body, which regulates care and support.

The Care Commission complaints procedure allows a customer either to pursue the complaint with the local service provider or by contacting The Care Commission who will investigate the complaint on their behalf. This can be done at any stage without using Barrhead Housing Association's complaints procedure first but we would welcome the opportunity to resolve any problem before they are taken to The Care Commission.

Contact details are as follows:

The Complaints Coordinator,  
The Care Commission,  
4<sup>th</sup> Floor, 1 Smithhills St.,  
Paisley PA1 1EB  
Telephone 0141 843 4230  
Web: [www.carecommission.com](http://www.carecommission.com)

## ➤ **Whistleblowing**

The term "Whistleblowing" refers to the raising and reporting of concerns about propriety or probity regarding improper conduct within the Association which may be of public concern.

Concerns of this nature may include:

- Financial malpractice, impropriety or fraud
- Failure to comply with legislation
- Danger to Health & Safety or the environment
- Criminal activity
- A miscarriage of justice
- Professional malpractice
- Improper conduct or unethical behaviour
- Attempts to conceal any of the above

If you have any legitimate concerns about these issues, you should raise these directly with the Director or Chairperson or in writing "Private & Confidential" to the Association's office.

The Director or Chairperson will consider the information available and decide on the formal investigation to be undertaken. The person disclosing the information will be advised of the decision within 10 working days.

In exceptional circumstances, issues may also be raised with the Scottish Housing Regulator, Highlander House, 58 Waterloo Street, Glasgow, G2 7DA , tel: 0141 226 4611.

## **7. Monitoring our Service**

The Association's Director is responsible for ensuring all complaints made are recorded in the Complaints Register and that the Management Committee receives an annual report on the number, the causes and outcomes for complaints and appeals.

The Management Committee will also review the overall Complaints Policy at least every 3 years. However, improvements in performance and service delivery will be made where identified from feedback and comments received from our customers during the course of resolving complaints. These will be reported to Committee.

## **8. Equal Opportunities**

Barrhead Housing Association is committed to providing fair and equal treatment to all our customers.

The Association will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, disability, religion, age, sex, sexual orientation, marital status, family circumstances, employment status or physical ability.

We will offer customers a range of options for making complaints, since requiring complaint to be put in writing can be a deterrent, for example for people with poor literacy skills, visual impairment, or where first language is not English. We will monitor use of the complaints procedure for ethnic origin and disability to ensure that our procedures deliver fair outcomes for different groups of customers.

## **9. Commitment to good practice**

In reviewing this policy, the Association has referred to good practice contained within the SFHA's guidance and the Scottish Housing Regulator's Performance Standards.

In particular, the Scottish Housing Regulator's Performance Standard, GS3.3 on complaints and appeals states: "we deal fairly and effectively with anyone wanting to appeal against, or complain about, any of our decisions or activities. We make it clear that they can complain about us to the relevant Ombudsman".

**COMPLAINT RECORD**

<b>Name of Complainant:</b>	
<b>Address &amp; Postcode:</b>	
<b>Telephone Number:</b>	
<b>Date Complaint Received:</b>	
<b>Details of Complaint Including dates:</b>	
<b>Staff Involved:</b>	
<b>Category of Complaint:</b>	
<b>Redress Sought:</b>	
<b>Confirmation of Details &amp; Customer Signature:</b>	
<b>Staff Signature:</b>	

<b>Office Use Only</b>	
<b>Date Received:</b>	
<b>Date Acknowledgement sent (within 3 working days)</b>	
<b>Details of Further Information Sought:</b>	
<b>Date of Responding (within 10 working days)</b>	
<b>Outcome:</b>	

## Acknowledgement Letter

REF:

Date:

Name:

Address:

Dear

**Re: Complaint**

Thank you for your recent letter regarding the above complaint.

Although Barrhead Housing Association is committed to providing a high level of service, we accept that, despite our best efforts, problems may arise from time to time. I am therefore sorry that you have found it necessary to complain to the Association and you can be sure that the Association will strive to ensure that you are provided with a thorough response to your complaint.

Your complaint, which the Association received on, \_\_\_\_\_ has been passed to \_\_\_\_\_ to investigate the points raised in your \_\_\_\_\_ (letter, phone call/fax/visit) and provide you with a detailed response.

We aim to provide you with a response within 10 working days from when you contacted us. You should therefore receive a reply from us by \_\_\_\_\_.

If you require further information please contact \_\_\_\_\_ on 0141 881 0638.

We have enclosed a summarised copy of our Complaints Policy which lets you know how we will deal with your complaint. This policy outlines our procedures and should be followed by you if you remain unhappy. You can ultimately take your complaint to The Scottish Public Services Ombudsman, but you must follow our complaints procedure first.

Yours sincerely

Name:

Title:

Barrhead Housing Association Limited

**Customer Complaints Questionnaire**

Name:

Address:

Nature of Complaint:

Date Complaint Initiated:

Date Complaint Resolved:

Please tick appropriate box.

1. Overall how satisfied were you with the way Barrhead dealt with your complaint?

Very Satisfied  Fairly Satisfied  Neither

Fairly Dissatisfied  Very Dissatisfied  Don't Know

Comments \_\_\_\_\_

2. Do you feel the Association understood your complaint?

Yes  No  Don't Know

Comments \_\_\_\_\_

3. Do you feel that the time taken by the Association dealing with your complaint was acceptable?

Yes  No  Don't Know

Comments \_\_\_\_\_

4. How helpful were the staff / Committee dealing with your complaint?

Very Helpful  Fairly Helpful  Neither

Fairly Unhelpful  Very Unhelpful  Don't Know

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. If you are still dissatisfied with the final outcome of your complaint what do you feel the Association could / should have done to satisfy you?

Please detail \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Could the Association have done anything to make it easier for you to complain?

Yes  No

Please detail \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Are you satisfied with the service you are receiving from the Association currently?

Very Satisfied  Fairly Satisfied  Neither   
Fairly Dissatisfied  Very Dissatisfied  Don't Know

Comments \_\_\_\_\_

**8. Any additional Comments:**

Signature \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Thank you for taking the time to complete this questionnaire. Your views will assist the Association to ensure that it deals with customer's complaints to the highest standards possible.

**Equalities Monitoring**

It would greatly assist our monitoring of equalities if you could complete and return the enclosed form. This will assist us when reviewing our complaints information and help us to ensure that all complaints are dealt with fairly and without discrimination in terms of our Equal Opportunities Policy.

**Ethnic Origin:**

<b>White</b>	<b>Black Caribbean</b>	<b>Black African</b>	<b>Black Other</b>	<b>Indian</b>

<b>Pakistani</b>	<b>Bangladeshi</b>	<b>Chinese</b>	<b>Other Asian</b>	<b>All Other</b>

<b>Disability:</b>	<b>Yes/No</b>
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<b>Age:</b>	
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<b>Religion:</b>	
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<b>Sex:</b>	<b>Male/Female</b>
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**Please return this confidential form in the freepost envelope provided. Thank you for your assistance.**