



BUIDHEANN TAIGHEADAS LOCHABAIR

**COMPLAINT POLICY**

**Approved  
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## **COMPLAINTS POLICY**

### 1.0 Introduction

1.1 Lochaber Housing Association aims to provide a first class service, and is constantly striving to improve that service. Customer feedback is a positive opportunity for us to learn and discover what our service users really want, and to enable us to provide a more responsive service.

### 2.0 Aims and Objectives

2.1 The aim of Lochaber Housing Association's complaints policy is to ensure that a clear, effective, confidential and responsive system is in place for managing and monitoring complaints made about the service we provide, and that we act upon these complaints appropriately to inform and improve our service.

2.2 The Association aims to resolve complaints effectively within set targets and to the complainant's satisfaction.

2.3 The main objectives of the policy are:

- To ensure that the complaints process is simple, clear and easily accessible to all;
- To ensure that the complaints process is transparent and impartial by ensuring a thorough and fair investigation within set timescales;
- To respect confidentiality and act at all times within the Data Protection Act (1998);
- To ensure that the complainant is kept informed of progress;
- To ensure that the complaints process respects the complainant whilst managing any unacceptable behaviour;
- To ensure that the complaints process is flexible and provides an effective response and appropriate redress; and
- To ensure that the complaints process is monitored and feedback is provided to the Management Committee so that areas of dissatisfaction can be improved.

### 3.0 Definitions

3.1 The Scottish Public Service Ombudsman defines a complaint as:  
*The expression of dissatisfaction with an organisation's procedures, charges, employees, agents or quality of service (SPSO: 'Principles of Good Complaint Management', 2007).*

3.2 A complaint would include matters such as:

- Providing wrong or misleading advice;
- Failure to act within our policies and procedures;
- Delays in undertaking work which cannot be explained within the policies and procedures;

- Bias or inequality of treatment;
  - Failure of staff or contractors to keep appointments;
  - attitude or behaviour of staff or contractors
- 3.3 A complaint, for the purposes of this policy is not:
- A request for a service (for example, requesting a repair)
  - A request for information, or an explanation of the Association's policies;
- 3.4 Complaints about neighbour nuisance or anti-social behaviour will be dealt with under the Association's Neighbour Nuisance & Anti-Social Behaviour policy. However, if a service user is unhappy with the way we have dealt with a previous complaint about neighbour nuisance then they can access the Complaints policy.
- 3.5 Areas where service users may express dissatisfaction which may not be regarded as complaints would relate to:
- Legislation, unless wrongly applied;
  - Persons or bodies over which Lochaber Housing Association has no control;
  - Matters which are, or could reasonably be expected to be the subject of court or tribunal proceedings, or which are in the hands of our insurers.
- 3.6 Where the Association receives a complaint about a matter it is unable to deal with, the member of staff dealing with the complaint will direct the complainant to the right organisation. For example, where a tenant wishes to complain about Housing Benefit administration, they should be directed to the local authority.
- 4.0 Resolution and Redress
- 4.1 The Association recognises that although it constantly strives to provide a quality service, sometimes things may go wrong. When they do, it is important that the Association apologises and acts to put things right.
- 4.2 The aim of the Association in applying a particular remedy will be to put the complainant back to the position that they would have been in had things not gone wrong.
- 4.3 We will apply the general principle that the remedy needs to be appropriate and proportionate to the original issue. The remedies could include the following:
- An apology
  - A detailed explanation as to why something happened
  - A review of the organisation's practices, policies or procedures
  - A practical action (where the injustice stems from the failure to take a specific action)
  - Staff training
  - Financial compensation or other award

- 4.4 The issue of compensation, and the exceptional cases where it may be paid are dealt with in detail in the Association's Compensation Policy.
- 5.0 The Complaints Procedure
- 5.1 Lochaber Housing Association aims to deal with complaints promptly and efficiently through a process that is simple and easily accessible. The complaints process consists of three stages, as detailed in 5.6 – 5.8.
- 5.2 A complaint can be made verbally, over the telephone, or in person by the complainant or their representative. It can also be made via email or in writing. Once a complaint has been received it will be dealt with through the process detailed below.
- 5.3 Anonymous complaints will be treated seriously, and investigated through the same process as complaints from specified sources up to stage one of the procedure. Anonymous complaints will be dealt with the same degree of importance and within the relevant timescales and will be logged on Pyramid in the same way.
- 5.4 Where distinction is made between a 'formal' and 'informal' complaint, the complainant may feel that their complaint has been disparaged if it is classified as an 'informal' complaint. The Association therefore makes no such distinction, and treats all complaints equally, although it aims to resolve complaints as quickly as possible, and at as early a stage in the complaints process as possible. Targets for resolution are detailed in 7.0.
- 5.5 All complaints, positive feedback and suggestions are logged on the Association's computerised management system, Pyramid. At each stage in the procedure the status of the complaint is updated, and the outcome recorded. Monitoring and reporting arrangements are set out in 7.0
- 5.6 Stage one: resolution by first contact
- 5.6.1 At this stage, the complaint is dealt with by the member of staff dealing with the issue. For example, if the complaint is that a repair has not been completed within timescale, the Administrator who takes the contact will investigate and take the appropriate action to resolve the complaint.
- 5.6.2 Where a complaint can be resolved immediately at stage one, the member of staff dealing with the matter will confirm the outcome in writing within 3 working days of receiving the complaint.
- 5.6.3 Where the matter requires further investigation and cannot be resolved immediately, the complaint will be acknowledged in writing within 3 working days of receipt. The member of staff responsible will then aim to give a full response in writing within 10 working days from receipt of the complaint.
- 5.7 Stage two: investigation by the appropriate service manager

5.7.1 A complaint is dealt with at stage two under the following circumstances:

- Where a complainant is unhappy with the outcome of a complaint at stage one; or
- Where the complaint is about a member of staff and it is to be dealt with by their line manager; or
- Where the complainant has expressed dissatisfaction with the content of an Association policy or procedure (where the complainant feels that a policy or procedure has not been fairly applied, or not applied at all, this will be dealt with at stage one).

5.7.2 Complaints at stage two will be acknowledged by the appropriate manager within 3 working days of receipt of the complaint.

5.7.3 The manager responsible will then investigate the matter and aim to give a full written response within 10 working days of their receipt of the complaint.

#### 5.8 Stage three: Complaints Panel

5.8.1 The Complaints Panel is made up of two members of the Association's Management Committee, and two tenants/sharing owners.

5.8.2 Complaints will be referred to the Panel where the complainant requests a review of a decision taken at stage two by either a manager or the Director.

5.8.3 The following will not be eligible for consideration under stage three:

- Cases which relate to the amount of a claim for financial compensation which has already been offered;
- Cases which are the subject of the Association's insurance policies;
- Matters which should be insured against by the tenant in accordance with the tenancy agreement.

5.8.4 The Panel aims to hear complaints no more than 6 weeks following a request for review of a decision taken at stage two. The complainant will be notified of the Panel's decision within 10 working days of the case being heard.

5.8.5 Where a complainant has requested a review of a decision by the Panel, the Chair of the Panel will acknowledge this request within 5 working days of receipt, giving a date for the case to be heard.

5.8.6 The complainant does not have to be present at the hearing, but will be encouraged to attend. If they wish, they may bring a friend or representative to the hearing. If this is their intention, they must notify the Director of the Association at least 24 hours before the hearing of the name of their friend or advisor.

- 5.8.7 The manager who made the stage two decision on the original complaint will provide the Panel with all relevant information two weeks before the hearing. This information will also be copied to the complainant.
- 5.8.8 The Panel will carry out a thorough examination of the complaint, taking into account:
- All the details provided by the complainant in support of their case;
  - The circumstances made by the Association's officers in response to the complaint, including any supporting documents provided;
  - Whether or not the complainant has been treated fairly;
  - Whether they have experienced any unreasonable delays;
  - The relevant policies and procedures of the Association.
- 5.8.9 At the hearing, the Director will brief the Panel on the details of the case. The Panel will consider the case file and any other relevant documentation. The claimant will then attend to present their case (if they have chosen to attend). The Panel may then interview officers involved in the case.
- 5.8.10 When the Panel have reached their decision they will advise the Director who will write on behalf of the Panel to the complainant within 5 working days of the decision. The response will advise the complainant of their right to contact the Scottish Public Service Ombudsman if they are not satisfied with the outcome of the hearing.

## 6.0 Positive Feedback and Suggestions

- 6.1. Lochaber Housing Association welcomes positive feedback and suggestions from service users. This provides us with information on where things have gone well, on the standards of service that our service users appreciate, and where efforts have been made by staff to ensure a good service. Suggestions help us shape our future service and meet the needs of our customers.
- 6.2 As with complaints, positive feedback and suggestions will be received in many forms, including the 'suggestions' form displayed at reception, by letter and verbally.
- 6.3 Positive feedback and suggestions will be recorded on Pyramid, in the same format as complaints. They will be referred by the receiving officer to the relevant officer and copied to the Director.
- 6.4 The Director will send an acknowledgement to the service user, thanking them for their comments.

## 7.0 Performance Monitoring and Review

- 7.1 Targets for response times set out in this policy will be monitored and regularly reviewed. Target times are as follows:

- Stage one complaints acknowledged within 3 working days
  - Stage one complaints responses to be sent within 10 working days
  - Stage two complaints acknowledged within 3 working days
  - Stage two complaints responses to be sent within 10 working days
  - Stage three complaints acknowledged within 5 working days
  - Stage three Panel to hear case within 6 weeks of receiving the request to review the stage two decision
  - Relevant papers to be sent to Panel and complainant no less than 2 weeks prior to the hearing
  - Complainant to be informed in writing of the Panel's decision within 5 working days of the hearing
- 7.2 In some cases certain complaints, because of their complexity, may require a more lengthy investigation that will affect the response time. Complainants will be informed of any potential delay in these circumstances.
- 7.3 The Director will carry out a sample satisfaction survey of closed complaints to assess satisfaction with the procedure.
- 7.4 The Director will report to Committee on a quarterly basis including:
- Type of complaints at each stage and outcomes
  - Performance against target times
  - Method of complaint
  - Actions taken to improve services as a result of complaints.
- 7.5 An annual summary report to Committee will identify any trends and issues, and any further action which needs to be taken to improve the Association's service delivery.

Isla Gray

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**Due for review:** August 2010