

Tenants First Housing Co-operative

Formal Complaints Policy

Date agreed: November 2009

Review Date: November 2012

TABLE OF CONTENTS

1	Policy Aims	3
2	Objectives	3
3	Who can complain to the Co-operative?.....	4
4	What can they complain about?	4
5	The Co-operative's Expectations of Those Making a Complaint.....	5
6	Procedures for dealing with complaints.....	5
6.1	Informal Complaints.....	5
6.2	Formal Complaints	6
6.3	Formal Complaint- Stage 1	6
6.4	Staff Issues.....	6
6.5	Formal Complaint- Stage 2- Appeal to the Customer Relations and Staffing Sub Committee	7
6.6	Formal Complaints about the Chief Executive or Committee Members....	8
6.7	Formal Complaint- Stage 3- the Scottish Public Services Ombudsman....	9
7	Confidentiality	10
8	Anonymous Complaints.....	10
9	Redress Offered.....	11
10	Supported Accommodation.....	11

11	Partnership Working- Choice Based lettings- <i>homehunt</i> [®] NES.....	12
12	Data Protection.....	12
13	Freedom of Information.....	12
14	Publicity and Access Issues.....	13
15	Provision of Independent Advice.....	13
16	Whistleblowing.....	14
17	Training.....	14
18	Equal Opportunities.....	14
19	Monitoring and Reporting.....	15
20	Review.....	15
21	Legal Framework.....	15
22	References.....	15
23	Related Policies/Documents.....	16

[Return to Main Policy Index](#)

***"A complaint is an expression of dissatisfaction that requires
a response"***

1 Policy Aims

Tenants First Housing Co-operative (the Co-operative) is committed to providing high quality, responsive, inclusive and effective services which meet the needs and wishes of our customers.

The Co-operative aims:

- to have a fair and well publicised process by which complaints can be made where service users are dissatisfied with the standard and quality of services.
- to adopt a clear complaints procedure where those who make a complaint can expect a clear response, within set timescales and be given the opportunity to appeal against a decision they are dissatisfied with.
- for staff to deal with complaints in a non defensive manner, recognising the right of service users to complain, whatever their initial view of the validity of the complaint.
- to treat complaints positively, as useful feedback to improve the quality and effectiveness of services

2 Objectives

The policy links with the following objectives in the Co-operative's Internal Management Plan:

"To provide, manage and maintain top quality affordable housing"

"As a fully mutual Co-operative, to maximise the involvement of tenant members"

"To manage and develop the business in an innovative way providing high standards and maintaining financial viability"

"To be recognised as an organisation which promotes excellence"

3 Who can complain to the Co-operative?

Anyone who receives or is affected by a service from the Co-operative can use the complaints' policy and procedures.

This includes members, people applying for housing, owners, neighbours of Tenants First members (who are not Co-operative members themselves) and members in receipt of housing support from the Co-operative.

The procedure is also open to people who are acting on a complainant's behalf and have their written authorisation to do so. This may be, for example a Councillor, Member of Parliament or Member of Scottish Parliament, advice agency or solicitor.

4 What can they complain about?

Complaints can be made about any service carried out by or on behalf of the Co-operative, for example:

- If a repair has not been carried out properly
- If information requested is not provided
- If it is felt that a member of staff, a contractor or a Committee member has behaved unacceptably
- If it is felt that an application for housing, transfer or sale has not been dealt with properly
- If someone feels they have been unfairly discriminated against

Complaints about the content of a policy will not be dealt with under this policy. The person will be invited to write in or have their views noted so that they can be considered by staff or committee as appropriate. However in any complaints where, in the view of the complainant, a policy has not been complied with or carried out properly the complaints policy can be used.

Complaints about neighbours will be dealt with under the Anti- Social Behaviour and Harassment Policy. However complaints about how neighbour disputes are dealt with can be made under this policy.

5 The Co-operative's Expectations of Those Making a Complaint

The Co-operative is firmly committed to providing customer care of the highest quality to all its service users. People may act out of character in times of trouble or distress. We do not view behaviour as unacceptable just because someone is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our offices or unacceptable behaviour towards Co-operative staff. We will not tolerate abusive, threatening or inappropriate behaviour towards staff of the Co-operative. A member of staff may terminate any conversation or interview with a person who is behaving in an abusive, threatening or inappropriate manner. In extreme cases it may be appropriate to refer to the Co-operative's Restricted Contact Policy.

Where it is considered that a complainant is making unreasonable demands or is being unreasonably persistent we will advise the complainant of the reasons why we believe this and the actions that will be taken to manage the behaviour. It must be emphasised that every complainant has the right to follow through the appeals stages detailed later in the policy should they be dissatisfied with the initial response to their complaint.

6 Procedures for dealing with complaints

6.1 Informal Complaints

Due to the nature of our service our customers will present a wide range of problems and concerns to staff members on a daily basis. In most cases these can be sorted out informally by the appropriate member of staff and these will not be recorded as formal complaints. These should be dealt with immediately wherever possible. However, where information needs to be gathered a response should be made, in writing if requested by the complainant, within 10 working days. Customers will be made aware of the formal complaints' process should they remain unhappy with a response to an issue.

Complaints will be dealt with under the formal complaints procedure immediately where:

- Resolution is likely to create a precedent
- Where staff misconduct or discrimination are being alleged
- Where the service user wishes to make a formal complaint straight away

6.2 Formal Complaints

The Co-operative will use a three stage formal complaints procedure with targets for responses set for each stage. Responses to complaints will advise of the next stage in the procedure should the complainant remain dissatisfied.

6.3 Formal Complaint- Stage 1

Where a complaint cannot be resolved informally a formal complaint should be made to the Corporate Services Manager. The complainant should normally make a complaint within 28 days of being aware of the issue concerned. However in exceptional circumstance, for example illness or bereavement, this timescale may be waived.

The Co-operative does not insist that formal complaints are made in writing, although this is encouraged where appropriate.

A simple proforma is available which may help service users to explain what their complaint is and what they want the Co-operative to do to sort it out.

Where a complaint is made verbally staff will complete the proforma. The complainant will be asked to check the details for accuracy and to sign to confirm the complaint has been recorded correctly.

All formal complaints will be acknowledged in writing within 3 working days.

The Chief Executive (or the relevant line manager in his/her absence) will investigate formal complaints and write to the complainant to advise of the outcome within 10 working days. Where a visit to the complainant is made, this will be arranged within 10 working days, with the outcome advised within 10 working days of the date of the visit. The response will include details of the appeal process should the complainant remain dissatisfied. However where an investigation is likely to be prolonged an interim reply will be made within 10 working days explaining the reasons for delay and suggesting an alternative timescale.

6.4 Staff Issues

The Co-operative will ensure a consistent approach is adopted towards the investigation of complaints where staff misconduct is alleged or implied to ensure that staff are confident of fair and reasonable treatment.

All complaints received from service users where staff misconduct is alleged or implied will be dealt with under the formal complaints procedure.

Staff members will not investigate complaints against themselves.

Staff members will be advised of the precise nature of any complaint made against them. In cases where gross misconduct is alleged a period of suspension may be necessary while the complaint is investigated. A full and fair investigation will be conducted to obtain all information relevant to the case. This may involve interviewing the staff member, witnesses and any other relevant parties. The facts of the case will be considered before an appropriate course of action is considered.

The complainant will also be advised of the outcome in writing, again normally within 10 working days of receipt of their complaint. However in cases where a complaint is upheld the response will not include any details of disciplinary action which may be being considered against a specific member of staff.

6.5 Formal Complaint- Stage 2- Appeal to the Customer Relations and Staffing Sub Committee

If the complainant is not satisfied with the outcome at Stage 1 he/she can write to the Chair of the Customer Relations and Staffing Sub Committee within 28 days of receiving the response.

The appeal will be acknowledged within 3 working days. The Sub Committee will consider the appeal at the next meeting. If necessary a special meeting of at least 3 members will be arranged specifically to deal with the complaint. The appeal however will be dealt with within 6 weeks at the very most, unless there are unavoidable reasons why this is not possible.

The Sub Committee can ask the Chief Executive or appropriate staff for relevant correspondence, a report or further information to allow full consideration of the appeal. The complainant will be given the opportunity to see and comment on any information being presented to the sub committee.

The Sub Committee may also ask staff to appear at an appeal hearing. However where a staff member is the subject of a complaint it is inappropriate for that staff member to be present while the Sub Committee is deciding the outcome of the appeal.

The complainant will be offered the opportunity to appear in person at an appeal hearing. An interpreter can be provided if required.

The complainant can be accompanied by a friend or advisor.

If attendance at an appeal hearing involves travelling a considerable distance, reasonable travelling expenses will be reimbursed. If attendance is not possible, for example due to inaccessibility of premises or age or disability, the Sub Committee will be prepared to meet the complainant at a mutually acceptable venue.

The Chair of the Sub Committee will advise the complainant of its decision, in writing, within 3 working days of the appeal hearing. The response will include details of the Scottish Public Services Ombudsman should the complainant remain dissatisfied.

Any Sub Committee member who has a conflict of interest must declare this and refrain from taking part in the appeal hearing.

6.6 Formal Complaints about the Chief Executive or Committee Members

Complaints about the Chief Executive or a Committee member other than the Chair will be dealt with by the Committee of Management. Complaints should be addressed to the Chair of the Committee of Management.

Complaints about the Chair will be dealt with by the Chief Executive. These complaints should be addressed to the Chief Executive.

The complainant should normally make a complaint within 28 days of being aware of the issue concerned. However in exceptional circumstance, for example illness or bereavement this timescale may be waived.

These complaints will be acknowledged within 3 working days and dealt with within 10 working days. The Committee of Management will consider any appeal, which must be made within 28 days of receiving the response, within 6 weeks of its receipt.

In some circumstances it may be necessary to bring in an independent third party (e.g. Employers in Voluntary Housing (EVH)) to investigate a complaint involving Committee members.

The Committee of Management can ask for relevant correspondence, a report or further information to allow full consideration of the complaint. The complainant will be given the opportunity to see and comment on any information being presented to the Committee of Management.

The Committee of Management may also ask staff or the committee member complained about to appear at the meeting. However it is inappropriate for the

person who is the subject of a complaint to remain present while the Committee is deciding the outcome of the appeal.

The complainant will be offered the opportunity to appear in person at any meeting. An interpreter can be provided if required.

The complainant can be accompanied by a friend or advisor.

If attendance at a meeting involves travelling a considerable distance, reasonable travelling expenses will be reimbursed. If attendance is not possible, for example due to inaccessibility of premises or age or disability, the Committee of Management will be prepared to meet the complainant at a mutually acceptable venue.

The Chair of the Committee of Management or Chief Executive, as appropriate, will advise the complainant of the decision, in writing, within 3 working days of the meeting. The response will include details of the Scottish Public Services Ombudsman should the complainant remain dissatisfied.

Any Committee member who has a conflict of interest must declare this and refrain from taking part in the meeting.

6.7 Formal Complaint- Stage 3- the Scottish Public Services Ombudsman

If the complainant is still dissatisfied he/she has the right to appeal to the Public Services Ombudsman at:

Scottish Public Services Ombudsman
Freepost EH641
Edinburgh
EH3 0BR
Tel 0800 377 7330
Fax: 0800 377 7331
Text: 0790 049 4372
E mail: ask@spsso.org.uk
Web: www.spsso.org.uk

The Ombudsman will not normally deal with a complaint until the Co-operative's own formal complaints procedure has been exhausted.

Complaints to the Ombudsman must normally be made within 12 months of when the complainant first had reason to complain.

The Co-operative will co-operate fully with any involvement from the Scottish Public Services Ombudsman to a complaint.

The Chair of the full Committee of Management will be advised immediately of the Scottish Public Services Ombudsman involvement. An emergency committee meeting will be called where necessary and certainly if an adverse draft Investigation Report is received from the Scottish Public Services Ombudsman.

The Committee of Management will aim to comply with any recommendations made by the Scottish Public Services Ombudsman to settle a case.

If the Ombudsman issues a report about the Co-operative's activities the Co-operative must make arrangements, for a period of not less than 3 weeks, for any person to inspect the report and/or obtain a copy of the report, or any part of it. The Ombudsman, however, may direct that the report should not be made available having taken account of the public interest and those of the complainant and other persons.

7 Confidentiality

Whilst a complaint is being investigated the complainant's name and circumstances will not be divulged any more than is necessary within the Co-operative. When referred to committee all details will remain confidential within the committee.

However where complaints involve another member or a staff member it may be difficult to investigate without talking to that member or member of staff. If the complainant asks the Co-operative not to do so that will be respected as far as possible but it is likely that no action can be taken to tackle the issue.

There are some things, which the Co-operative may not be able to discuss or give information about. For example it would be wrong of the Co-operative to discuss someone else's application for housing but it would be able to discuss the allocation policy and how it operates generally.

8 Anonymous Complaints

It will not normally be possible for the Co-operative to deal with anonymous complaints. However each case will be considered on its own merits and, where appropriate, attempts made to verify or clarify the validity of the complaint with suitable action taken if possible.

9 Redress Offered

Where the Co-operative agrees with all or part of a complaint, responses will include an apology and where relevant an explanation of what went wrong and what steps will be taken to prevent a recurrence.

In the event of direct costs or losses incurred by the complainant as a result of a fault on the Co-operative's part or where there has been a prolonged period of inconvenience or distress it may be appropriate to consider financial compensation in some form.

10 Supported Accommodation

Members in receipt of housing support have the right to complain about these services, to whoever provides this service, whether this is the Co-operative or a third party.

In addition, such members also have a right to complain **independently** to:

Their local authority Housing Support Section:

Linda McDonald
Aberdeenshire Council
Tel: 01467 629849

Garry Brown
Aberdeen City Council
Tel: 01224 538066

And/or

The Care Commission
Johnstone House
Rose Street
Aberdeen
AB10 1UD
Tel: 0845 600 8332

The Co-operative will co-operate fully with any involvement from the Care Commission to a complaint.

The Chair will be advised immediately of the Care Commission involvement. An emergency committee meeting will be called if necessary and certainly if the Care Commission intimates that a formal investigation is to take place.

The Committee of Management will aim to comply with any recommendations made by the Care Commission to settle a case.

11 Partnership Working- Choice Based lettings- *homehunt*[®] NES

From 1 June 2006 the vast majority of Co-operative properties will be allocated using choice based lettings through *homehunt*[®] NES. *Homehunt*[®] NES is a partnership between the Co-operative and Castlehill Housing Association. For the avoidance of confusion Tenants First will deal with all formal complaints about applications until the stage where a specific property is being allocated. If a formal complaint is received about an application at or after the stage of a specific property being allocated it will be dealt with by the relevant partner. This means that if a specific property is being allocated by Tenants First the formal complaint will be dealt with under this policy. If a specific property is being allocated by Castlehill the formal complaint will be dealt with under their formal complaints policy.

12 Data Protection

The Co-operative is bound by the Data Protection Act 1998 in how it handles all personal information held, and will deal with requests for personal information according to the Data Protection and Access to Personal Information Policy.

The Co-operative encourages people to contact it first if they believe there is a problem with how their personal information is being handled. However contact can also be made with the Information Commissioner's office independently for advice or to make a complaint. The Commissioner's Helpline telephone number is 01625 545 745 or 08456 306060 or www.ico.gov.uk

13 Freedom of Information

The Co-operative is not currently an organisation which is covered by the Freedom of Information (Scotland) Act 2002.

However, Tenants First aims to conduct its business in an open and accountable manner whilst, at the same time, ensuring that personal and commercial confidentiality is maintained where appropriate. Where it is felt that a request for information has been unreasonably refused a complaint can be made under this policy.

14 Publicity and Access Issues

The formal complaints policy is:

- issued to all new tenants
- available on our website (www.tenantsfirst.com)
- available from our offices.

The summary leaflet about the complaints process is

- issued to all complainants with the acknowledgement letter to any formal complaint received.
- available on our web site (www.tenantsfirst.com) with a link to the full policy document.
- available at our office premises
- available on the notice boards of all sheltered housing units

Information on how to complain is also included in

- the Tenant Handbook
- Guidance on Choice Based lettings
- Frequently asked Questions leaflet about allocations

A copy of the formal complaints policy and summary leaflet will be made available, where required, on tape, in large print or in ethnic languages. Service users with particular requirements will be assisted, as required, to make a complaint.

Leaflets and posters about the Scottish Public Services Ombudsman services are displayed at the Co-operative's office premises.

15 Provision of Independent Advice

People using the formal complaints process should be aware that they can get independent advice from impartial sources including:

- Consumer Direct
- Citizens Advice Bureaux
- Shelter
- Solicitors

16 Whistleblowing

The Public Interest Disclosure Act 1998 aims to provide accountability and good governance in organisations by assuring anyone concerned about malpractice that it is safe to raise their concerns. It encourages employers to be receptive to such concerns and penalises them if they respond by victimising the worker.

The Co-operative has a Whistleblowing Policy which details the issues covered and explains how it will deal with Whistleblowing.

17 Training

The Co-operative recognises that training is required to allow the complaints policy and procedures to work effectively and efficiently.

Training required will be included both for staff and appropriate Committee members.

Training will be repeated on a regular basis as required, when changes to policy or procedures require it as "group" session or when specific needs are identified at supervision sessions.

It will also form part of induction training for all new members of staff, to ensure that staff are aware of their responsibilities and obligations.

18 Equal Opportunities

The Co-operative will ensure that in implementing this Policy it will not unfairly discriminate against any individual, household or group on the grounds of gender, gender identity or marital status, on race grounds, or on the grounds of disability, age, sexual orientation, language or social origin, other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.

19 Monitoring and Reporting

The Co-operative will monitor the number and nature of formal complaints received, along with performance against target times.

Monitoring reports will be presented to the following:

- Management Team on a monthly basis
- Customer Relations and Staffing Sub Committee on a quarterly basis
- Members and other interested parties as part of the Co-operative's Annual Report

Reports to the Management Team and Customer Relations and Staffing Sub Committee will be used to consider the nature and numbers of complaint and, performance against target response times. Where complaints are recurrent consideration will be given as to whether services are failing or weak. Where outcomes suggest that there are policy or procedural failings these will be reviewed.

Information included in the Annual Report will include details of numbers of cases responded to, how well targets were met and any changes made to policies or practices to improve services.

20 Review

This policy will be reviewed every 3 years or sooner for example:

- if the Scottish Public Services Ombudsman finds that there has been maladministration
- as a result of outcomes to a Scottish Housing Regulator Performance Audit
- monitoring indicates areas of concern

21 Legal Framework

- Housing (Scotland) Act 2001
- Scottish Public Services Ombudsman Act 2002

22 References

- Raising Standards in Housing - Customer Complaints (SFHA 1999)

- The Scottish Housing Regulator Performance Standard: GS3.3 Complaints and Appeals
- Scottish Public Services Ombudsman: Investigating Complaints: The SPSO Approach
- Scottish Public Services Ombudsman: Unacceptable Actions Policy
- Scottish Public Services Ombudsman: Valuing Complaints: Principles of Good Complaint Management

23 Related Policies/Documents

All policies may be subject to complaints or comments and so all are generally related. However the following are more specifically related:

- **Whistleblowing**
- **Equality and Diversity Policy**
- **Customer Care Policy**
- **Fraud Policy**
- **Anti- Social Behaviour and Harassment**
- **Grievance and Disciplinary procedures**
- **Restricted Contact Policy**