

**COMPLAINTS POLICY AND PROCEDURE**

**AS WITH ALL OF THE CO-OPERATIVE'S POLICIES and PROCEDURES, THIS GUIDE, IN FULL AND IN PART, IS AVAILABLE IN SUMMARY, ON TAPE, IN BRAILLE, AND IN TRANSLATION INTO MOST OTHER LANGUAGES –**

**PLEASE ASK A MEMBER OF STAFF IF YOU WOULD LIKE  
A VERSION IN A DIFFERENT FORMAT**

**Policy Prepared by: Cathy Brien**

**Approved by Committee: February 2010**

**Next Review Date: February 2012**

## 1. INTRODUCTION

1.1 Whilst the Management Committee, staff, agents and contractors of Forgewood Housing Co-operative expect its service delivery to be of the highest possible standard, it is possible that customers may occasionally have cause for complaint. The Co-operative genuinely welcomes comments from anyone on the quality of service delivery, even when these comments are adverse and this is the reason for having a complaints policy.

It should be noted that the “complainant” referred to throughout this document may be a resident, a member of a resident’s family, any one receiving a service from the Co-operative, a current or potential applicant for housing, or anyone else who feels that they have not been treated well by the Co-operative.

### 1.2 Regulatory and Good Practice Requirements

This policy has been influenced and informed by regulation and good practice, and is designed to comply with these requirements.

Our approach to complaints management has fully considered the Scottish Housing Regulator’s performance standard GS3.3:

“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 Scottish Public Services Ombudsman”.

The policy takes account of good practice such as SFHA’s raising standards, Chapter 8, “Customer Complaints” and the Scottish Public Services Ombudsman Valuing Complaints guidance.

### 1.3 Equal Opportunities Statement

The Co-operative is intent on ensuring people or communities do not face discrimination or social exclusion due to the following personal characteristics: age; disability; gender; race or ethnicity; language; faith; religion or belief; sexual orientation; and gender identity.

The Policy complies with the Co-op’s equal opportunities policy.

The Co-op will regularly review the is policy for equal opportunities implications and take the necessary action to address any inequalities that may subsequently arise from the implementation of the policy.

### 2. DEFINITION OF A COMPLAINT

2.1 Forgewood Housing Co-op defines a complaint as:

*“an expression of dissatisfaction, however made, about the standard and quality of service, action or lack of action by the Co-operative or its staff affecting an individual customer or group of customers”.* (Raising Standards, Chapter 8).

2.2 The underlying notion is that the customer’s viewpoint should be adopted. The question is not whether staff believe that a complaint is being made; it is what the customer believes.

2.3 Whilst there is not a prescriptive definition of a complaint, the following are examples of what may be a complaint:

- Avoidable delay, poor quality, incompleteness or absence of services provided
- Unfairness, bias or prejudice in the way in which the services are delivered
- Faulty, or a failure to follow correct procedures
- The attitude or approach of staff members: giving advice that is misleading or unsuitable; refusing to answer a reasonable question; being impolite and not apologising for mistakes
- Not offering a suitable remedy when one is necessary
- Dealing with a complaint about a contractor or agent acting on the Co-operative’s behalf
- Complaints about the contents of policies – in such circumstances an explanation should be given

2.4 Occasionally, complaints may be considered continuous, vexatious or malicious. Each separate issue will be treated on its own merits and the Co-operative will ensure that any new aspects are investigated. Similarly, complaints made anonymously will also be investigated, albeit not knowing the identity of the person making the complaints may constrain the investigation.

The Co-op also has relevant policies and procedures that provide the framework in which certain complaints will be dealt with. Generally, these are outwith the scope and remit of this policy. Complaints of nuisance behaviour, for example, will be dealt with in line with the Co-op’s policy on anti social behaviour. A complaint can be made however, about the way the Co-op managed the complaint.

### 3. THE CO-OPERATIVE'S PROCEDURE: STAGES 1, 2 AND 3

3.1 Wherever possible, the Co-operative encourages its residents and their representatives to solve complaints informally. Sometimes this will not be possible, and a more formal process will be invoked. As recommended by Raising Standards, Garrion People's Housing Co-op has decided to divide all complaints into three distinct stages. These are described below.

#### **Stage 1 – Local Complaints**

3.2 This part of the procedure deals with day-to-day housing management issues. It is intended to avoid passing complainants on to others, unless they want to see a particular person. The first stage has the following objectives:

- To promote informal and direct contact with the complainant
- To offer an on-the-spot resolution
- To keep the ownership of the complaint where solutions are most likely to be found
- To provide advice on the next stage of the procedure

3.3 To help achieve this, the member of staff in question should be approached where possible. This will allow the problems to be brought directly to the person's attention and will provide an opportunity for redress. If this stage cannot be used because the complainant feels uncomfortable about raising it with the member of staff directly involved or if an informal solution cannot be found, the complainant should move on to Stage 2.

3.4 All complaints should be recorded in the Complaints Register. Details provided should include the complainant's name, address, details of the complaint, the redress the complainant wishes and the action taken. Timescales should also be noted.

3.5 The target timescale for this stage is 1 week.

#### **Stage 2 – Directorate Complaint and Review**

3.6 The objectives of this stage are to:

- Offer a review of the earlier decision or a full re-examination of the matter
- Manage cases where the complainant wants to complain to the Director/Depute Director (as the senior member of staff)
- Handle matters that must be investigated by a senior officer, such as maladministration, impropriety or allegations about members of staff

3.7 All Stage 2 complaints will be investigated by the Depute Director (or most senior member of staff available) who should review all previous action on the complaint and decide the best way forward. This will usually result in both parties being interviewed. Whatever the method adopted, the complainant should be kept informed of progress at all times and the Co-operative's final decision should be made available in writing, together with supporting reasons. Where the complainant is dissatisfied with the outcome, Stage 3 should be used.

3.8 The target timescale for this stage is 2 weeks.

### **Stage 3 – Management Committee and Appeal**

3.9 The objectives of the final stage are to provide:

The complainant a means of having their allegations heard concerning:

- Policy or resource issues handled by the Committee
- Serious misconduct by a member of staff
- Actions of the senior member of staff
- The complainant a means of appealing to the Committee asking them to change an earlier decision
- The Co-operative with a way of giving a full and final response to a complaint

3.10 Whilst Stage 3 complaints may appear more formal, proceedings should be done as informally as the situation allows. This does not mean that the approach used by the Committee will be "light touch" or that the outcome of the process is not of paramount importance to the Co-operative. It is, however, crucial that the complainant (and any representative or other person accompanying them) is as much at ease as possible so that the Committee can gather as much information as possible.

3.11 The Management Committee will not be present in its entirety: instead, a Complaints sub-Committee will conduct the process. Members will decide the best way to deal with the complaint. For example, there may at times be witnesses that require to be heard.

3.12 The sub-Committee's investigation will be as thorough as possible and its decision will be given to the complainant in writing.

3.13 The target timescale for this stage is 2 weeks.

3.13 This is the final stage in the Co-operative's procedure. Complainants are advised to raise any continuing dissatisfaction with the Scottish Public Services Ombudsman

### 4. IMMEDIATE STAGE 3 COMPLAINTS

4.1 The majority of complaints received will be taken through each stage systematically until a satisfactory solution is found. Exceptionally, however, a complaint may be so serious that it requires to be dealt with under Stage 3 immediately. Examples of these include:

- Where the complainant has been discriminated against by a member of staff – ie there has been a breach of the equal opportunities policy
- Where the complainant has been verbally abused by a member of staff and the complainant is sufficiently upset to request that Stages 1 and 2 be by-passed
- Where the complaint relates to a lack of respect for personal dignity

Please note that the above list is not exhaustive.

4.2 Where there has been behaviour of a violent nature by staff, the Co-operative will encourage the customer to contact the Police as opposed to using the complaints procedure.

### 5. MONITORING AND DISSEMINATING RESULTS

5.1 The Management Committee will not necessarily become aware, on an individual basis, of those complaints being resolved at Stages 1 or 2. These are nonetheless important indicators of how the Co-operative's customers view the Co-operative. Staff will therefore prepare an annual report detailing all complaints received and resolved throughout the year. In particular, the report will attempt to highlight any patterns and advise what remedial action can be taken. This report will be taken in April of each year, commencing in April 2010.

5.2 These details, along with those reaching Stage 3 or the Ombudsman, should be disseminated to the membership in the Annual Report. Details of individual complaints will not be provided. However, there will be a résumé of complaints received during the year, an analysis of any trends that are emerging, details of how complaints have been resolved and a statement on any remedial action proposed as a result of patterns that have emerged.

### 6. THE OMBUDSMAN

- 6.1 The Scottish Public Services Ombudsman provides a free and independent service to all of our customers and, where you have exhausted our own procedure and remain dissatisfied, he may decide to investigate on your behalf. This usually takes the form of a trained investigator examining the documentation relating to your complaint, the policies and procedures governing our action, and the way in which we have acted (including how long it has taken us to deal with your case). The investigator may also ask to interview you and/or any witnesses and/or the staff involved.
- 6.2 A leaflet about the Scottish Public Services Ombudsman is available from the Co-operative or from advice centres. The Ombudsman will not normally be able to deal with complaints until you have gone through the Co-operative's own complaints procedure.
- 6.3 The Ombudsman's address is;
- SPSO  
FREEPOST EH641  
EDINBURGH  
EH3 0BR  
Tel no. 0800 377 7330  
Fax no 0800 377 7331  
E.mail [ask@spsso.org.uk](mailto:ask@spsso.org.uk)
- 6.4 In line with the Scottish Public Services Ombudsman Act 2002 -
- a) Ensure that the service continues to be well publicised by the Co-operative
  - b) Co-operate with the Ombudsman to achieve informal resolution to complaints wherever possible or during formal investigations  
Respond positively to the Ombudsman's recommendations or findings
  - c) Make copies of any investigation report from the Ombudsman available for inspection (or to take a copy away) for a period of one year (as opposed to the 3 weeks required by the legislation). We will ensure that those arrangements are publicised.

## **INDEPENDENT ADVICE**

Before going ahead with a formal complaint, independent advice can be sought from any of the following agencies:

Welfare Rights Service  
Citizens Advice Scotland  
Your Solicitor  
Shelter Scotland

An independent advocacy service may also be able to help with making a complaint. Information about the Advocacy service can be found at:

Scottish Independent Advocacy Alliance  
69a George Street  
Edinburgh  
EH2 2JG Tel : 0131 260 5380

## **7. TRAINING AND PUBLICITY**

- 7.1 The Co-operative will ensure that all staff receive appropriate training on the complaints procedure and how individual complaints are to be handled. This is critical to the success of the process. Training will be repeated as required or when to changes to policy or procedure requires it.
- 7.2 The policy will be publicised in the office reception and anyone wishing to discuss how the policy operates will be taken through the procedure on request.

## **8. REVIEW**

- 8.1 This policy will be reviewed every three years, or earlier in line with legal, regulatory or best practice requirements.