

CLYDESDALE HOUSING ASSOCIATION LIMITED

COMPLAINTS and APPEALS POLICY

27 September 2006

**Clydesdale Housing Association Limited is a Registered Scottish
Charity (SC034228)**

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1. Introduction

- 1.1 Clydesdale Housing Association is committed to delivering high quality services to customers and to continually improve those services based on customer feedback, the latest good practice and available guidance.
- 1.2 We have arrangements in place to obtain immediate feedback from customers, where possible at the point of service delivery, in order to influence the positive development of services provided by the Association.
- 1.3 This document provides details of how anyone can express dissatisfaction with our services through making a complaint and how individuals or groups can appeal against any of our decisions or activities. We would encourage people to approach Clydesdale informally to resolve issues in the first instance, however, where the outcome of this approach is unsatisfactory they can progress their complaint formally using the Association's Complaints and Appeals Procedure.

2. Policy Background

- 2.1 The following reference documents have been considered and drawn from in developing this Policy:
 - Raising Standards in Housing, Chapter 8 (SFHA)
 - Performance Standard GS3.3 – Complaints and appeals (SFHA, CoSLA, Communities Scotland)
 - Performance Standard GS3.3 Self Assessment Criteria (Communities Scotland)
 - The Scottish Public Services Ombudsman Act 2002
 - CSGN 2002/13

3. Policy Objectives

- 3.1 Clydesdale's Complaints and Appeals Policy objectives are as follows:
 - To deal fairly and effectively with anyone wanting to appeal against, or complain about, any of our decisions or activities.
 - To empower staff to resolve complaints and appeals, especially in the early stages of the process.
 - To make it clear that people can complain about us to the Scottish Public Services Ombudsman.
 - To use customer feedback from complaints to positively influence the development of services provided by Clydesdale.

4. Measuring Success

- 4.1 Success or otherwise in achieving these policy objectives will be measured through the following activities:
 - We will routinely check the quality of decision-making in complaints and appeals.

- We will monitor equality issues in complaints and appeals to ensure that there is no bias or prejudice in decision-making.
- We will monitor and report on the number and type of complaints and appeals, efficiency of response, trends, outcomes and equality issues.
- We will obtain and act upon feedback from customers and partners on the accessibility, fairness and effectiveness of the complaints and appeals process.
- We will publicise our complaints and appeals procedure widely.
- We will include information in all our documents and letters regarding our services about our procedures for dealing with complaints and appeals.
- All correspondence responding to a complaint will include information regarding the right to complain to the Scottish Public Services Ombudsman, the time limit for making a complaint and the Ombudsman's contact details.
- We will record and report on policies or procedures that have been improved upon as a result of obtaining feedback through the complaints and appeals process.

4.2 A summary of Clydesdale's activity in dealing with complaints and appeals will be published annually in the Association's Newsletter and Annual Report.

5. Who Can Make Complaints or Appeals?

5.1 Complaints or appeals can be made by anyone who has received a service from Clydesdale or by anyone affected by a decision we have made.

5.2 Tenants, sharing owners, members of the Association, Management Committee Members, housing applicants, owners receiving factoring services and people living next to Clydesdale's properties are some examples of those who can lodge a complaint or appeal.

5.3 We will accept complaints or appeals from someone representing any of the above parties where they need support from someone in taking the matter forward. Permission in writing from the person affected should be obtained and presented to the Association along with any complaint or appeal.

5.4 Anonymous complaints by their nature prevent us from responding directly to the complainant, however, where these are of a serious nature we will investigate them and take the necessary action to resolve problems.

5.5 We will publicise complaints and appeals procedure widely including a display in our reception area, a section within our Tenants Handbook and regular features in our quarterly Newsletter.

5.6 Continuous or malicious complaints can impact adversely on the services we provide. The Association's approach to dealing with these is detailed in our Policy on Unacceptable Behaviour by Customers.

6. What Can be Complained About?

- 6.1 We will consider complaints or appeals on matters relating to services provided by or on behalf of Clydesdale Housing Association or in relation to any of our decisions or activities.
- 6.2 We will consider all complaint or appeals that refer to issues that affected you or that you found out about within the last 12 months.
- 6.3 In short, a complaint is ‘an expression of dissatisfaction that needs a response.’
- 6.4 Examples of issues where a complaint or appeal will be considered by Clydesdale:
- Where services provided have not been to an acceptable standard.
 - Where the behaviour of a member of our Management Committee, staff or another person providing services on our behalf (e.g. a tradesman) has been unacceptable.
 - Where someone affected by a decision made by the Association disagrees with that decision.
- 6.5 The complaints and appeals process should not be used to report repairs or neighbour nuisance, but can be used to complain about unsatisfactory service levels connected with such matters, e.g. repairs are taking too long to be completed or there has been no feedback given on what has been done to remedy the behaviour of a problem neighbour.
- 6.6 Reports of neighbour nuisance will be prioritised in accordance with the Association’s Estate Management Policy and in extreme cases our Anti-Social Behaviour Policy.
- 6.7 Claims relating to insurance, compensation or alleged negligence are not covered by this policy. Those affected by these issues should make their claims to the Association’s Chief Executive. In these circumstances the Association may need to obtain legal advice before responding to claims.
- 6.8 Where a member of the public or an Association staff member has concerns regarding possible improper conduct by a staff or committee member, the Association’s Whistleblowing Policy should be invoked. The Whistleblowing Policy provides clear guidance on who to contact in certain circumstances. Where it is inappropriate to contact the Association directly regarding possible improper conduct, the Association’s regulator Communities Scotland should be informed – Communities Scotland, Regulation & Inspection, Highlander House, 58 Waterloo Street, GLASGOW G2 7DA (Phone 0141 226 4611).

7. The Complaints and Appeals Process

- 7.1.1 Stage 1 - The Informal Approach - We encourage people to approach Clydesdale informally to resolve issues in the first instance. Individuals will be encouraged to contact a member of staff who will listen to concerns and do all they can to resolve the issue raised.

- 7.1.2 Where appropriate to do so, the staff member will arrange for the individual to speak to a Departmental Manager or a member of the Senior Management Team.
- 7.1.3 The maximum target timescale for concluding all informal approaches is 10 working days, although every effort will be made to perform within this target.
- 7.1.4 Details of informal approaches will be recorded and a diary reminder system will be used to ensure that complaints are addressed within the target timescale.
- 7.1.5 A written file note will be placed in the Tenant File recording the detail of the complaint and the action taken or proposed to resolve the issue.
- 7.1.6 Where a satisfactory conclusion is reached, the complaint will end at this stage.
- 7.1.7 Individuals dissatisfied with the outcome of their complaint, will be advised to progress to Stage 2, Formal Complaint.
- 7.1.8 A summary of informal complaints dealt with will be regularly reported to Management Committee.

- 7.2.1 Stage 2 – Formal Complaint – In the unlikely event that the informal approach has failed to result in a satisfactory conclusion or the complainant has decided to bypass the Informal Stage, a formal complaint should be made in writing preferably using the Complaints Form and attaching any additional relevant documentation connected to the complaint. (Appendix A)
- 7.2.2 A member of staff unconnected with the complaint will be available on request to assist with completing the Complaints Form, either at the Association's offices or at the home of the individual.
- 7.2.3 A letter acknowledging receipt of the complaint will be issued within 2 working days.
- 7.2.4 Details of formal complaints will be recorded and a diary reminder system will be used to ensure that complaints are addressed within the target timescale.
- 7.2.5 An investigation will be carried out and a formal written response issued by the appropriate staff member within 10 working days of receipt of the complaint. The written response will include details on how to appeal against the decision.
- 7.2.6 The Depute Chief Executive will oversee the Stage 2 Process.
- 7.2.7 Any complaints received regarding the conduct of the Depute Chief Executive will be passed to the Chief Executive.
- 7.2.8 Complaints received regarding the conduct of the Chief Executive or a Management Committee Member, or regarding decisions reached by the Management Committee will be passed to the Association's Chairperson and be dealt with under Stage 4 of the Complaints and Appeals Process.
- 7.2.9 Complainants will be provided with a 10 working day period within which to appeal against Clydesdale's formal response. The 10 working day period will start from the day following receipt of Clydesdale's written response.

7.2.10 A summary of all Stage 2 complaints dealt with will be regularly reported to Management Committee.

7.3.1 Stage 3 – Review & Appeal – Where Stage 2 has failed to result in a satisfactory conclusion, an independent review of the decision reached will be carried out by the Chief Executive.

7.3.2 The target timescale for concluding the review is 10 working days.

7.3.3 Following completion of the independent review a formal written response will be issued by the Chief Executive. The written response will include details on how to appeal against the decision.

7.3.4 Complainants will be provided with a 10 working day period within which to appeal against the Chief Executive's decision. The 10 working day period will start from the day following receipt of the Chief Executive's written response.

7.3.5 A summary of all Stage 3 complaints dealt with will be regularly reported to Management Committee.

7.4.1 Stage 4 – Assessment by the Management Committee – Where the complaint remains unresolved after Stage 3, the final internal appeal stage will be dealt with by the Management Committee.

7.4.2 The complainant will have the opportunity to present their complaint to the Management Committee in person if they wish to do so. The complainant can be accompanied by a friend or adviser.

7.4.3 Any report submitted to the Management Committee will be copied to the complainant within 7 days before the Committee meets to consider the appeal.

7.4.4 Management Committee will reach a decision within 5 working days of the meeting and issue details of that decision in writing within 7 working days. The written response will include details on how to appeal against the decision to the Scottish Public Services Ombudsman.

7.5.1 Stage 5 – Complaining to the Scottish Public Services Ombudsman – If you are still dissatisfied after completing our complaint process you may ask the Scottish Public Services Ombudsman to look at your complaint. You can contact the Ombudsman at:

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS

Telephone: 0800 377 7330

Text: 0790 049 4372

Fax: 0800 377 7331

Email: ask@spsso.org.uk Web: www.spsso.org.uk

Using a freepost address means you will not have to pay for postage.

- 7.5.2 A leaflet about the Ombudsman is available from the Association's offices or from the above address. The Ombudsman can generally look at complaints where something has gone wrong in a service or function administered by or on behalf of the Association (which could include work carried out for us by contractors). There are some restrictions to this but the Ombudsman's staff will be able to tell you more when they receive your complaint.
- 7.5.3 The Ombudsman will normally only look at complaints made within 12 months of the date that you became aware of the matter about which you are complaining.
- 7.5.4 The Ombudsman can recommend remedies and redress to be made to those who have submitted complaints.
- 7.5.5 The Chief Executive will oversee all details of the Association's part in an Ombudsman's enquiry.
- 7.5.6 Details of all Ombudsman's enquiries will be reported to the Management Committee.

8. Remedies & Improving Services

- 8.1 Clydesdale will use the feedback we receive from complaints and appeals to influence how we develop the services we provide.
- 8.2 Where a complaint has been upheld by this Policy a range of remedies may be implemented including an apology, explanation of what caused the failure, provision of the services requested and/or an agreement to change our procedures.
- 8.3 The regular complaints and appeals reporting to Management Committee will monitor the number and type of complaints and appeals, efficiency of response, trends, outcomes and equality issues.
- 8.4 An analysis included within these reports will identify systemic failures which require to be corrected in order to prevent further failures occurring.
- 8.5 In more serious cases, or where we receive repeated complaints against a particular service area, complete service reviews may be undertaken involving service users.

9. Confidentiality

- 9.1 The Association will seek to protect the confidentiality of the complainant whilst being able to disclose information necessary to consider the complaint.

10. Policy Review

- 10.1 Clydesdale will review this policy every three years or earlier should good practice, guidance or legislative changes occur.



St Kentigerns Church, St Kentigerns Court
 15 Hope Street, LANARK ML11 7LZ
 Tel – 01555 665316 Fax – 01555 666144
 Email – mail@clydesdale-housing.org.uk

Complaints Form

If you wish to make a complaint please complete and return this form to the address above. Let us know if you require help in completing the form and we will arrange for a member of staff to assist you.

Please use BLOCK CAPITALS and remember to sign it when you have finished.

A. Your Details	B. Making a complaint on behalf of someone else
Full Name:	Their Full Name:
Address:	Address:
Postcode:	Postcode:
Daytime contact number:	Daytime contact number:
Email:	Email
<p>The person who experienced the problem should normally complete this form. If you are completing this on behalf of someone else, please complete section B.</p>	<p>What is your relationship to them?</p>
	<p>Why are you making the complaint on their behalf?</p>
	<p>Do they support your action in making the complaint? Yes/No</p>

C. About the complaint

1. What has Clydesdale Housing Association done wrong or failed to do?

2. How has this affected you?

3. What do you think would resolve the problem?

4. When did you first become aware of the problem?

Date:

Have you already approached Clydesdale informally regarding this complaint?

Yes/No

If yes, who dealt with your complaint?

Name:

Job title (if known):

And, what response did you receive from Clydesdale?

D. Signature

Signature:

Date:

Please include all relevant documents, including any response you have already received from Clydesdale if the complaint has been made previously.