



Trust Housing Association Limited

Title of policy:	Complaints Policy
Date of adoption or last review:	June 2008
Lead officer:	Company Secretary
Date of next review:	June 2011
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 relevant Ombudsman.

Trust Housing Association Ltd

Complaints Policy

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Complaints Policy

1. Introduction

- 1.1 The Association aims to provide high quality services to a range of users. It is recognised that there may be occasions when people receiving or affected by these services are dissatisfied.
- 1.2 This policy aims to set out the key principles of our approach to complaints. A detailed procedure accompanies this policy, clearly setting out the steps to be followed at each stage in the complaints process, and by whom.

2. Aims and objectives

- 1.3 The main objective of the Complaints Policy is to set a framework for dealing with all complaints in a fair, transparent and accountable manner, and to learn from complaints to inform future service delivery.
- 2.2 The Association will strive to deliver an outcome to the complainant that is fair, reasonable and based on a full investigation of the facts.

3. Legislative framework

- 3.1 There is no legislative basis on which a complaints policy must be documented. However, in recognition of The National Care Standards, SFHA's Raising Standards recommendations, obligations to Local Authorities under Supporting People contracts and guidance provided by Communities Scotland, through Performance Standards jointly published with COSLA and SFHA, this is recognised as a key policy.

4. Definition of a Complaint

- 4.1 The following definition is used by the Association:

“An expression of dissatisfaction, however made, about the standard or quality of service, action or lack of action, by Trust Housing Association, its staff and/or agents affecting an individual or a group of individuals”

- 4.2 The Association welcomes complaints as these will assist with the development of services. If there is doubt as to whether the individual wishes to have their issue dealt with as a complaint or not, discretion should be used. Explaining the formal and informal procedures may help to clarify the situation for the individual. If ambiguity persists it must be down to the individual to decide if they are expressing dissatisfaction or not. If so, their issue should be dealt with as a complaint.
- 4.3 Comments regarding a service failure should be deemed to be complaints and, in these circumstances, service users should be encouraged to make a complaint.
- 4.4 The Association welcomes and encourages complaints as a means of gaining feedback from service users. (Should the individual decide that they are not expressing dissatisfaction, they should be referred to the procedure on 'Comments & Suggestions').
- 4.5 Certain complaints relating to neighbours may be dealt with under our separate Neighbour Disputes and Anti-Social Behaviour Procedure.

5. Advocacy Services

- 5.1 Complainants should be advised that they will be helped and supported to use an independent and confidential advocacy service should they require it. The Association will hear complaints from independent representatives as if these were being expressed by the complainant themselves. The Association recognises that a complainant's advocate may be a family member or friend.

6. Accessing the Complaints Process/General Points

- 6.1 The information leaflet 'Do You Have a Complaint?' will be made available at all offices, staffed developments and on the Trust website. This information will also be provided to all new tenants via the tenant's handbook.
- 6.2 Where requested, the Association will assist the complainant to define, quantify and submit their complaint. The Association will assist all service users to formulate and make their complaint should they require it.
- 6.3 The Association will treat all complaints seriously, however, where a complaint is made anonymously, it should be recognised that it may not be possible to fully investigate, reach clear conclusions or take effective action.

- 6.4 The stages are sequential and complaints must be dealt with fully under each stage before the complainant can progress their complaint to the next stage. Any exceptions to this are at the discretion of Senior Management only.
- 6.5 Where a complaint is made in relation to the Association's general management or service, in which other tenants may reasonably have an interest, the process may involve a meeting of tenants to help the Association arrive at a satisfactory outcome.
- 6.6 No member of staff may investigate a complaint that relates to themselves.
- 6.7 The Association will aim to provide a response within clearly defined timescales as documented in the accompanying procedure to this document.

7. Confidentiality

- 7.1 At all times the Association will maintain the confidentiality of complainants and the content of their complaints. Only those that are designated to do so, by the procedure accompanying this document, will investigate complaints.

8. Processes

- 8.1 The Association will maintain robust, accountable and auditable processes to record, manage and report on complaints received and action taken. The Association will also allow complainants to appeal decisions at each stage up to the Association's Appeals Panel.

Timescales are stated within the procedural document.

8.2 Informal Stage

Complaint made to any member of staff. The member of staff will respond verbally if possible and, should the complaint be written, in writing following this.

8.3 Formal Stage 1

Complaint made to the Corporate Services Team, directly by complainant or via a staff member, for referral to the Housing Operations Manager.

This stage is for a complainant who wishes their complaint to be dealt with formally from the outset or those who wish the results of their informal submission to be reviewed.

8.4 Formal Stage 2

Complaint made to the Corporate Services Team for referral to the Director of the Service if the complainant is not satisfied with the outcome of Formal Stage 1.

8.5 Formal Stage 3

Complaint made to the Corporate Services Team for referral to the Chief Executive if the complainant is not satisfied with the outcome of Formal Stage 2. In the Chief Executive's absence this would be dealt with by the Depute Chief Executive or a Director of a Service not subject to the complaint.

8.6 Formal Stage 4

Complaint made to the Corporate Services Team for referral to the Company Secretary who will convene an Appeals Panel, which is made up of at least three Board Members, if the complainant is not satisfied with the outcome of Formal Stage 3.

8.7 Delays

If it is not possible to comply with any of the response timescales, the complainant must be advised of the reasons and given a revised target date by the Investigating Officer.

9. Reporting

- 9.1 The Association's Board will receive, as a minimum, an anonymised bi-annual report detailing the number and type of complaints received as well as outcomes. An annual summary will also be compiled for the Board to illustrate trends over the year and explain any changes in policy or practice resulting from the complaints process.

10. Performance monitoring & Improvement

- 10.1 Complaints will be recorded and monitored to identify any issues or trends. The Association aims to learn from complaints and to use this feedback on service delivery to drive change and improvement within the organisation. Reports will be provided to senior management and the Board for this purpose.

11. Complaining to External Bodies

- 11.1 The Association acknowledges the right of the complainant to raise concerns regarding the Association with the Scottish Public Services Ombudsman, who provide administrative justice and scrutiny, after the conclusion of the association's complaints process. The Ombudsman would usually require the issue to be raised with them within 12 months of the complainant receiving the Association's decision.
- 11.2 Complaints may also be raised with the appropriate local authority, as a service funder, and/or the Care Commission, who provide regulation of care and support providers, at any time.
- 11.3 The Association recognises its duty to publicise the rights of service users to contact external bodies regarding their complaint. However, the Association would welcome the opportunity to address any complaints internally prior to the involvement of any other bodies.

12. Equal opportunities

- 12.1 Trust operates an equal opportunities policy and this applies in all aspects of its business. In dealing with complaints, no complainant or their representative will be treated differently or less favourably on the grounds of race; colour; nationality; ethnic origin; religious belief; disability; gender; marital status; sexual orientation; or any other personal belief.
- 12.2 Upon request, the Association will make information available on complaints related matters in alternative formats, such as large print; tape; Braille; and community languages.

13. Persistent & Vexatious Complainants

- 13.1 Complainants identified as persistent and vexatious will be dealt with under the policy and procedure of the same name. Complainants demonstrating unreasonable behaviour, as outlined in the policy, can be referred to the persistent and vexatious policy and procedure at any point during the process at the discretion of senior management only.
- 13.2 Once a complainant has been referred to the Persistent and Vexatious procedure all of their complaints will be dealt with under that policy and procedure. This will be subject to review as outlined in the Persistent & Vexatious Procedure. Complaints made by those referred to the Persistent & Vexatious procedure will still be given all due and appropriate consideration.

Referral to this procedure does not represent a diminished service from the Association.

14. Publicising the Complaints Policy

- 14.1 The Association welcomes complaints and the opportunity to improve service provision through learning from this feedback. To encourage service users to provide this feedback the Association will take appropriate action to publicise its complaints process.

15. Policy Review

- 15.1 The Complaints Policy will be reviewed on a three yearly basis. The purpose of the review is to assess the policy's effectiveness in meeting targets and objectives, and identify any changes which may be required.
- 15.2 As part of this policy review, consultation will take place with both staff and tenants to ensure that operational issues and the opinions of service users are taken into account.