

THE MORAY HOUSING PARTNERSHIP

Complaints Policy

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1. SCOPE OF THE POLICY

1.1 This policy describes the activities and responsibilities involved in dealing with complaints against The Moray Housing Partnership (the “Partnership”).

1.2 A complaint is defined as an expression of dissatisfaction that requires a response with any of the following:

- dissatisfaction with action taken by the Partnership;
- dissatisfaction with a lack of action by the Partnership;
- dissatisfaction with the way that staff or contractors have dealt with someone for example; a complainant feels that he/she has been treated unfairly or discourteously.

1.3 A complaint, for the purpose of this policy, is not any of the following:

- a request for service (e.g. reporting a repair);
- an explanation of the Partnership’s policies; or
- any matter for which there is a specific right of appeal or redress for that particular matter. For example, a neighbour dispute will be dealt with under the Partnership’s Neighbour Disputes Policy, however, if there is dissatisfaction with how the dispute has been dealt with or how the policy has been applied this is a complaint against a service and should be dealt with by this Complaints Policy.

2. AIM OF POLICY

MHP is committed to providing a first class, high quality, responsive, inclusive and effective service which meets the needs and expectations of all our service users.

2.1 MHP aims:

- to have a fair and well published 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 the service users to complain, regardless of their initial view of the validity of the complaint;
- to treat complaints positively, as useful feedback to improve the quality and effectiveness of services.

3. OBJECTIVES

This policy underpins the strategic objective statement in MHP's Business Plan:-

- to develop strong and effective governance;
- to encourage and support Community Empowerment;
- to provide excellence in housing and customer services.

4. WHO CAN COMPLAIN TO MHP?

- 4.1 Anyone who receives or is affected by a service from MHP, or by the services of a contractor employed by MHP, can use the complaints policy and procedures.
- 4.2 This includes tenants, people applying for housing (applicants) and neighbours of MHP tenants.
- 4.3 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 the Scottish Parliament, advice agency or Solicitor.

5. WHAT A COMPLAINT CAN BE ABOUT

- 5.1 A complaint is an expression of dissatisfaction at the standard of service provided by the Partnership that requires a response. For example:
- if a repair has not been carried out properly;
 - if it is felt that a service has not been provided;
 - if information which is requested is not provided;
 - if it is felt that a staff member, a contractor or a Committee Member has behaved in an unacceptable way;
 - if it is felt that an application for housing or transfer has not been dealt with properly;
 - if it is felt that someone has been discriminated against.
- 5.2 Complaints about neighbours are dealt with under a separate Neighbour Disputes and Antisocial Behaviour Policy. However, if there is dissatisfaction with how the dispute has been dealt with or how the Neighbourhood Disputes Policy has been applied this is a complaint against a service and should be dealt with by this Complaints Policy.
- 5.3 This policy does not deal with individual complaints by MHP staff against other members of staff. In such matters staff will be directed to the grievance procedure contained in their Terms and Conditions of Employment.

- 5.4 The Public Interest Disclosures Act 1998 aims to provide accountability and good practice in organisations by assuring anyone who has concerns 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 an employee.
- 5.5 MHP has a whistle blowing policy which details the issues covered and explains when and how an employee can use this policy

6. MHP's EXPECTATIONS OF THOSE MAKING A COMPLAINT

- 6.1 The Partnership is committed to providing the highest quality of care to all service users. It is recognised that in times of stress, people may act in ways they would not normally behave, and it is accepted that forceful or determined behaviour can in some circumstances be justified.
- 6.2 The Partnership takes a responsible view of its duty of care to staff and will not tolerate abusive, threatening or inappropriate behaviour towards staff. A member of staff may terminate an interview or conversation with a person who is behaving in an abusive, threatening or inappropriate manner.
- 6.3 Where it is considered that a complainant is making unreasonable demands or is being unreasonably persistent, they will be advised of the reasons why, and what actions will be taken to manage the behaviour. They will also be advised of MHP's Unacceptable Actions Policy and their right to follow through the appeal process should they be dissatisfied with the decision.

7. CONFIDENTIALITY

- 7.1 Whilst a complaint is being investigated the complainant's name and circumstances will not be divulged any more than is deemed necessary within MHP.
- 7.2 Where complaints involve a member of Committee or a staff member it may be difficult to investigate without talking to that member or member of staff. If the complainant asks MHP not to do so that will be respected as far as possible, and the complainant will be advised of the restrictions this places on the investigation.
- 7.3 There are some things that MHP may not be able to discuss or give information about. For example, it would be wrong for MHP to discuss someone else's housing application but MHP would be able to discuss the Allocations Policy and how it operates generally.

8. REDRESS

- 8.1 Where MHP agrees that all or part of a complaint is upheld, responses will include an apology and where relevant an explanation of what went wrong and what steps will be taken to prevent a recurrence. The response will also address any expected outcomes that the complainant had and how these will be addressed.
- 8.2 In the event of direct costs or losses incurred by the complainant as a result of a fault on MHP'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. Such compensation will be calculated in accordance with MHP's Compensation Policy.

9. DATA PROTECTION

- 9.1 MHP is bound by the Data Protection Act 1998 in how it handles all personal information held. Therefore, subject to the terms of the DPA 1998, the Partnership may pass on information to a third party where: -
- the Partnership consider that a person's safety or wellbeing is at risk;
 - the Partnership is obliged by reason of law to pass on information; or
 - the Partnership requires to obtain legal advice in relation to a complaint.

10. FREEDOM OF INFORMATION

- 10.1 Currently MHP is not covered by the Freedom of Information (Scotland) Act 2002.
- 10.2 MHP, however, 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.
- 10.3 Where it is felt that a request for information has been unreasonably refused a complaint can be made under this policy.

11. PUBLICITY AND ACCESS ISSUES

- 11.1 A copy of the Complaints Policy will be available as follows;
- included in all new tenant welcome packs
 - on MHP's website
 - from MHP office.

- 11.2 A summary leaflet about the complaints process will be;-
- issued to all complainants with an acknowledgement letter
 - available on MHP's website(with link to the full Policy)
 - available at MHP office
- 11.3 Information on how to make a complaint will also be included in MHP's Tenants Handbook.
- 11.4 An audio version of the Complaints Policy and the summary leaflet will be made available, where required, together with versions in large print and in other languages. Service users with particular requirements will be assisted, as required, to make a complaint.
- 11.5 Leaflets and posters about the Scottish Public Services Ombudsman service are displayed at MHP's Office.

12. PROVISION OF INDEPENDENT ADVICE

- 12.1 People using the complaints process will be made aware that they can get independent advice from impartial sources including:
- Consumer Direct
 - Citizens Advice Bureau
 - Shelter
 - Solicitors.

13. TRAINING

- 13.1 MHP recognises that training is required to allow the Complaints Policy and procedures to work effectively.
- 13.2 Training required will be included in annual training programmes for both staff and Committee.
- 13.3 Training will also be repeated when changes to policy or procedures require it or when specific needs are identified in staff appraisals.
- 13.4 Training on complaints handling will be an integral part of Induction for all new members of staff and Committee. To ensure that all are aware of their responsibilities and obligations.

14. EQUAL OPPORTUNITIES

- 14.1 MHP 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.

15. MONITORING AND REPORTING

- 15.1 To ensure that this Policy improves the way in which it treats all service users, MHP will record and monitor
- the number and type of complaints received;
 - the specific services area the complaint refers to;
 - what action has been taken to resolve the complaint;
 - any amendments to either policy or procedure that have been instigated following complaint;
 - the average time taken to deal with complaints;
 - satisfaction of services users with the outcome of their complaint; and
 - the number of complaints accepted for enquiry by the Ombudsman;
 - the status of each complaint
- 15.2 The monitoring information will be reported to the Partnership's Committee on a regular basis and to tenants via the Tenants Newsletter, MHP's Website and in the Annual Report.
- 15.3 Where complaints are recurrent consideration will be given as to whether services are failing or are weak. Where outcomes suggest that there are policy or procedural failings these will be reported to MHP's Committee and reviewed.
- 15.4 Performance information will also form the basis of the Partnership's Annual Report as required by The Housing (Scotland) Act 2001.

16. REVIEW

- 16.1 This policy will be reviewed every three years or sooner if any of the following apply;
- the Scottish Public Services Ombudsman finds there has been maladministration;
 - as a result of outcomes to a Scottish Housing Regulator's Audit ;
 - monitoring indicates areas of concern;
 - the Scottish Public Services Ombudsman amend their Guidance.

17. PROCEDURES FOR DEALING WITH COMPLAINTS

17.1 Frontline Resolution

Due to the nature of MHP's service, tenants 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. These will be recorded and be included in MHP's performance monitoring reports.

These problems and concerns will be dealt with immediately wherever possible. However, where information needs to be gathered the complainant will be contacted and given details of what has to be done to gather all the required information and an estimate of how long this will take. MHP's aim is to complete any investigation within 5 working days. However, in individual cases, circumstance may dictate that some flexibility is required to gain all relevant information and in exceptional circumstances with the agreement of the complainant a further 5 working days may be added to the timescale. The complainant must be regularly updated on the progress and informed in writing of the outcome and any action to be taken.

If the complainant remains dissatisfied with the outcome they will be advised to proceed to the next stage in the complaints process and relevant information and forms will be forwarded to them.

Complaints that concern the following will be immediately investigated and will not be dealt with under Frontline Resolution:

- 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.

17.2 Complaints Investigation

Where a complaint cannot be resolved Frontline Resolution it should be forwarded to the Chief Executive.

The complainant will be issued with a Complaints Investigation Form (APPENDIX 1), which is designed to help complainants to explain what their complaint is about and what they would like MHP to do about it. A copy of this policy and a summary leaflet detailing the complaints process will also be made available at this point.

The complainant should normally make a complaint within 6 months of being aware of the issue concerned. This timescale may be waived in exceptional circumstances such as bereavement or illness.

MHP does not insist that complaints are made using the Complaints Investigation Form or in writing, although this is encouraged where appropriate.

Where a complaint is made verbally a member of staff will complete the Complaints Investigation Form. The complainant or their representative will be asked to check the details for accuracy and to sign and confirm the complaint has been recorded correctly.

The complainant will receive a written acknowledgement or a response within 3 working days, giving details of the timescales involved to complete an investigation.

The Chief Executive (or a relevant Manager in her/his absence) will aim to complete the investigation within 20 working days. Where a visit to the complainant is required, this will be arranged within the 20 working days and will have regard to the convenience of the complainant, allowing them to set dates and venue for such a meeting. However, in individual cases, circumstance may dictate that some flexibility is required to gain all relevant information and in exceptional circumstances and with the agreement of the complainant the timescale of completion within the 20 working days may have to be extended.

Therefore in exceptional circumstances only, where an investigation is likely to be prolonged an interim reply will be made within the initial 20 working days explaining the reasons for the delay and suggesting an alternative timescale which is acceptable to the complainant. The overall aim is to complete the investigation and respond to the complainant within the 20 working days timescale.

On completion of the investigation a written response will be sent to the complainant, this will include details how the investigation was carried out and by whom, whether or not the complaint has been upheld, action to be taken by MHP and how the outcomes/expectations requested by the complainant have been dealt with.

Details of the next stage, what the complainant can do if they remain dissatisfied with the outcome of the investigation, and their right of appeal of the Scottish Public Services Ombudsman will be included in the written response.(Para 20)

The Ombudsman will not normally deal with a complaint until MHP'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.

17.3 Staff Issues

MHP 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 investigated by the Chief Executive.

The CEO will acknowledge the complaint within 5 working days of receipt and details of how the investigation will proceed and the date of the Staffing Sub-Committee that will make a final decision, will be confirmed in writing to the complainant.

Staff members will not investigate complaints against themselves.

Staff members will be advised of the precise nature of any complaint made against them. Details of how the investigation will proceed and the date of the Staffing Sub-Committee that will make a final decision, will be confirmed in writing.

The CEO will advise the Staffing Sub-Committee of the complaint and the process/timescale for the investigation.

In the case 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 CEO will present the findings of the investigation and recommendation of any action to be taken to the next meeting of the Staffing Sub-Committee.

Following the Sub-Committees' decision, the complainant and the member of staff against who the complaint was made will also be advised of the outcome in writing, within 3 working days from the date of the meeting.

The Chairperson of the Staffing Sub-Committee or the CEO as appropriate will advise the complainant of the decision, in writing within 3 working days of the Sub-Committee meeting. The response will include details of the complainants right of appeal against the decision of the Staffing Sub-Committee to Committee of Management

However, in cases where a complaint has been upheld the response will not include any details of disciplinary action which may be considered against the member of staff.

The Management Committee's decision is a final decision.

17.4 Complaint against the CEO or Committee Members

Complaints about the CEO will be dealt with by the Staffing Sub-Committee and complaints should be addressed to the Chairperson of the Sub-Committee.

Complaints about the Chairperson or a Committee Member will be dealt under MHP's Code of Conduct for Committee Members. In the first instance complaints should be addressed to the Chief Executive.

On receipt of a complaint against the CEO the Chairperson of the Staffing Sub-committee must immediately notify the Scottish Housing Regulator under (SHR 25 Supplementary Advice on Handling a Serious Complaint Against the Director/Chief Executive of an RSL)

MHP considers complaints against senior representatives of the Partnership to be serious and therefore the investigation of such a complaint will be undertaken by an independent third party

A meeting of the Staffing Sub-Committee will be called within 5 working days of receipt of the complaint. The meeting will consider whether the complaint can be dealt with by the Sub-Committee or whether to commission an independent party to conduct the investigation together with the timescale and process for such an investigation.

The Staffing Sub-Committee will notify the Committee of Management of their decision and the reasons for such decision without disclosing specific details of the complaint.

Complaints against the CEO, Committee Members or Chairperson arising from dissatisfaction with the results of an outcome from an investigation by the CEO will not be considered. Appeals against the decisions following investigation should be referred to the Scottish Public Services Ombudsman (17.2)

The complainant should normally make a complaint within 6 months of being aware of the issue concerned. However, in exceptional circumstances, for example illness or bereavement this timescale may be reviewed.

These complaints will be acknowledged within 5 working days and details of how the investigation will proceed, who will undertake the investigation and the date of the Sub-Committee that will make a final decision, will be confirmed in writing to the complainant.

The Independent Investigating Officer will aim to complete the investigation within 20 working days. Where a visit to the complainant is required, this will

be arranged within the 20 working days and will have regard to the convenience of the complainant, allowing them to set dates and venue for such a meeting. However, in individual cases, circumstance may dictate that some flexibility is required to gain all relevant information and in exceptional circumstances and with the agreement of the complainant the timescale of completion within the 20 working days may have to be extended.

Therefore in exceptional circumstances only, where an investigation is likely to be prolonged an interim reply will be made within the initial 20 working days explaining the reasons for the delay and suggesting an alternative timescale which is acceptable to the complainant. The overall aim is to complete the investigation and respond to the complainant within the 20 working days timescale.

A report will be presented by the investigating officer to the next scheduled meeting of the Staffing Sub-Committee. Only if this meeting is within the 20 day timescale for the completion of the process, i.e., 20 days from receipt of the complaint.

If the next scheduled Staffing Sub-Committee meeting is out with the 20 day timescale or if the investigating officer considers that the complaint is of a serious nature and has implications for the integrity of MHP, its staff or Committee members they will advise the Chairperson and request that a meeting is called.

The Sub-Committee will convene to consider the report and recommendation from the investigating officer.

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

The Staffing Sub-Committee will inform the Committee of their findings and any action to be taken.

The Chairperson of the Staffing Sub-Committee or the CEO as appropriate will advise the complainant of its decision, in writing within 3 working days of the Sub-Committee meeting. The response will include details of the complainant's right of appeal against the decision of the Staffing Sub-Committee to Committee of Management.

However, in cases where a complaint has been upheld the response will not include any details of disciplinary action which may be considered against the member of staff.

The Management Committee decision is a final decision.

18. REFERENCES

- SHR 25 Notifiable Events Regulatory Expectations
- Raising Standards in Housing – Customer Complaints (SFHA 1999)
- The Scottish Housing Regulator Guidance 3.3 Complaints and Appeals
- SPSO Guidance on a Model Complaints Handling Procedure
- SPSO Statement of Complaints Handling Principles
- SPSO Unacceptable Actions Policy
- SPSO Valuing Complaints; Principles of Good Complaint Management.

19. RELATED POLICIES/DOCUMENTS

- Unacceptable Actions Policy
- Whistleblowing
- Equality and Diversity
- Customer care
- Fraud policy
- Anti-Social Behaviour
- Terms and conditions of Employment (Grievance and Disciplinary)
- Code of Conduct

20. RIGHT OF APPEAL TO THE SCOTTISH PUBLIC SERVICES OMBUDSMAN

- 20.1 If the complainant is still dissatisfied after they have been through the Complaints Procedure and have made an appeal to MHP's Committee of management 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

- 20.2 The SPSO handles complaints about public services in Scotland. It can normally only consider complaints after they have been through the Complaints Handling Procedure of the organisation concerned, and where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure. Its role and remit are set out in the Scottish Public Services Ombudsman Act 2002.

- 20.3 The Ombudsman will not normally deal with a complaint until MHP's own complaints procedure has been exhausted.
- 20.4 Complaints to the Ombudsman must normally be made within 12 months of when the complainant first had reason to complain.
- 20.5 When MHP notify the complainant of the outcome of any complaint investigation included in the correspondence will be details of the complainants right of appeal and how, when and where they can contact the SPSO