

STEVE BIKO HOUSING ASSOCIATION

COMPLAINTS POLICY AND PROCEDURE

1. POLICY STATEMENT

Steve Biko Housing Association (SBHA) aims to provide a good quality service which is responsive to need. However, even in the best organisations, errors can happen. SBHA is open to comments, compliments, suggestions and complaints about any of the services provided. To deal with this fairly we have a clear complaints policy with a simple 3 stage procedure (See Appendix A)

All our customers are welcome to complain about services from Steve Biko Housing Association and challenge decisions through our complaints system. It is our clear objective to resolve any concerns or complaints at the first point of contact, but there may be instances where customers wish to take the complaint further. This complaints policy provides for a positive approach to deal with complaints and a consistent approach.

All complaints will be recorded and referred to the appropriate officer, who will investigate and deal with the complaint. The Director will oversee the complaint and will make any decision to pay compensation.

Complaints may include:

- Tenants
- Leaseholders receiving services from Steve Biko Housing Association
- Waiting List Applicants
- Neighbours of Steve Biko HA properties
- Resident Associations
- Board Members
- Councillors and MP's
- Solicitors
- Citizen's Advice Bureau and other similar advocacy agencies

Other organisations we deal with in our business, such as the Housing Corporation lenders etc, can follow our complaints procedure, where they feel that we have not performed a service.

Petitions will be reported to the Director, along with a summary of the actions taken to address issues raised. These will not be considered under the Complaints Policy. Petitioners will be asked to nominate a spokesperson that can meet with the relevant person to resolve the issues.

We will apologise to our customers with justified complaints, take appropriate remedial action and where relevant, pay compensation appropriate to the inconvenience or loss suffered.

Complaints are an important source of customer feedback and will be used to highlight potential weakness in our policies and procedures. We will monitor all complaints and ensure that they inform the Associations continuous improvement of our services.

This policy complies fully with the existing requirement for good practice as set out by the Housing Corporation and the Independent Housing Ombudsman.

2. KEY OBJECTIVES.

The aims and objectives of the complaints policy are summarised below:

- Resolve complaints at the first point of contact, wherever possible
- Resolve all complaints using this policy
- Have a well-publicised and easily accessible complaints procedure
- Have a system that is easy to use and easy to understand
- Ensure complaints received are dealt with and rectified as efficiently and as quickly as possible and within reasonable time targets.
- Have excellent service standards to minimise the number of complaints received
- Establish a good relationship with the complainant.
- Be fair, impartial and helpful
- Be consistent
- Observe confidentiality and respect privacy
- Use complaints positively to improve services

3. DEFINITION OF A COMPLAINT

It is important to decide exactly what we mean by the word 'complaint'. Customers may complain to us on a variety of issues, some of which are not complaints in the true sense.

To try and clarify this issue, the definition suggested by the Commissioner for Local Administration defines a complaint as being:

“An individual expression of dissatisfaction, however, made, about the standard of service, actions or lack of action by the association or their staff affecting an individual customer or group of customers.” Steve Biko Housing Association accepts this definition.

3.1 What is a Complaint?

Steve Biko HA would consider the examples below as being admissible complaints:

- Dissatisfaction with the implementation of a specific policy. If the policy provides for an appeals stage then this will be used first.

- Dissatisfaction with the way a decision has been reached or with the actions taken in implementing that decision
- Dissatisfaction with the way a neighbour dispute has been handled
- Employee attitudes and complaints against all our internal/external partners, customers and stakeholders
- Reasonable complaints about the administrative processes
- Failure to provide a service
- Failure to achieve standards or quality of service
- Failure to fulfil statutory or contractual responsibilities

All complaints whether verbal or in writing will be recorded and progressed on the prescribed form at Appendix B. Officers may assist customers to complete this form.

3.2 What is not a Complaint?

Using the same definition, Steve Biko HA would not view the following examples as a complaint:

- Neighbour dispute
- Complaints where legal action is already instigated and where a court or tribunal will decide the outcome
- Disputes concerning the apportionment and calculation of leasehold service charges which can be referred to the Leasehold Valuation Tribunal
- Initial requests for a service eg initial reporting of a repair
- Initial requests for information or explanation of policy or practice
- An anonymous complaint
- Complaints or progress of complaints made out of time periods specified in Appendix A.

Allegations about inappropriate conduct of Board members and Senior Managers will be handled separately in accordance with good practice guidance. Any allegations will be taken seriously and investigated by an independent (usually external) party and we will inform the Housing Corporation

There may be occasions where investigation into some complaints is more prolonged than others, if this is the case, and then letters explaining the reasons for any delay will be sent to the complainant. These will not normally be considered as a separate complaint.

4. Overseeing the Complaint – Designated Officer

All complaints should be referred initially to the officer dealing with the matter which is the subject of the complaint, who will try to resolve the complaint there and then. If the complaint is not resolved effectively, then it should then be referred to the Designated Officer who will be responsible for administering and progressing the handling of complaints at each further stage, within the timescales and manner defined with the policy. The Designated Officer will act

as a point of contact for complainants by keeping them informed of the progress of their complaints.

All complaints and all ongoing correspondence connected with complaints must be forwarded to the Designated Officer, who will be responsible for bringing 'sensitive complaints' to the attention of the Director.

If a complaint is made about one of the officers who would normally hear a complaint the Designated Officer will discuss with the line manager, the most appropriate person to hear the complaint.

The Designated Officer will maintain statistics for analysis and monitoring purposes and prepare reports for the Director and Board on a quarterly basis, once concluded. The Director will discuss complaints with the Managing Agent to ensure that we learn from them to improve customer satisfaction, such improvements may be reported to Board. Monitoring will incorporate reporting on ethnicity, gender and disability and whether responses are within target times.

The Designated Officer will ensure the presence of the Director and two Board Members at appeals Stage to present the detail of the complaint. Other officers may attend as agreed by the Director. The Designated Officer will co-ordinate attendance at the Appeals hearing.

5. Key Procedural Points of Good Practice

- Time targets are set out at each stage of this procedure and Steve Biko HA will endeavour (through its Managing Agents) to meet the set targets.
- Urgent action is expected on complaints at each stage of that target time-scales are adhered to. Failure to meet targets will be explained to the customer and form part of report to the Director.
- The timescale to go to the next level of the complaint also applies to the customer, giving him/her reasonable time to express ongoing dissatisfaction.
- Steve Biko HA will react positively to complaints about our service and to do whatever is practicable and reasonable to rectify the situation and satisfy the complaint. Letters will offer a full explanation for the reason for 'failure'. If this is found.
- Similarly where a customer cannot be satisfied (eg the requested remedy is not within the policy or considered appropriate), a full explanation will also be given.
- Sometimes complaints may not be justified. Such complaints will be responded to politely but firmly. These will be reported to the Board quarterly.
- On occasions, individual customers may make regular and persistent complaints to Steve Biko HA, which are considered to be frivolous and vexatious. Some complaints may be dealt with outside the provisions of this policy at the discretion of the Director.
- Some Customers' actions may be construed as harassment. If this is the case, staff will bring the matter to the attention of their manager, the manager will inform the Director. At the same time the Manager will take over the

management of the complaint. The Director may wish to discuss the matter with a member of the Appeals Panel and if considered necessary, the Housing Corporation, before deciding how to proceed in matters relating to the customer.

- There may be occasions when another agency should deal with the complaint eg Housing Benefit Service, Property Tribunal Service. Staff will provide advice and referrals to customers that cannot be progressed by Steve Biko HA.
- Some complaints and disputes are not easily resolved and may require the involvement of a mediator. Steve Biko, HA will consider mediation subject to the agreement of both parties concerned.
- Any complaints addressed to the Director, or Senior Managers, will be handled in the same way, following the complaints procedure. They will be referred to the Designated Officer for recording and referral to the appropriate person. The Designated Officer will advise the complainant of the referral and who will respond.
- If the complaint relates to alleged discrimination by the Association for example on the grounds of race, gender, customers have a right to lodge a complaint in the County Court or contact the Commission for Racial Equality or Equal Opportunities Commission.

6. Compensation

Payment of compensation may be appropriate where there is a failure in service. Staff will be trained as to how to act proactively and in a conciliatory manner, offering customers suggestions/options for customers to explore, to resolve the complaint.

All offers of compensation will be made in writing. It will be made clear that any such offer is made without admission of fault and the letter will be marked "Without Prejudice"

Examples of where compensation may be made are:

6.1 Failure to provide a service subject to a service charge

The loss of manual service for two or more frequencies of expected service delivery eg gardening, cleaning etc. Compensation due is a relevant proportion of the amount allocated to that service in the service charge, from the date the complaint was reported and received.

6.2 Failure to comply with prescribed time-scales

Where there is evidence of failure to comply with prescribed time-scales within the Complaints Policy, Steve Biko HA may consider payment of compensation in the following instance:

A payment of £10 if there is a failure to respond to a complaint within 14 working days, without first writing to the complainant to explain the reasons for the delay.

6.3 Ex gratia payment

- Every effort will be made to resolve the complaint immediately.
- If it is not possible to resolve the complaint immediately, then the local officer will reach an agreement about how and when the complaint may be resolved.
- If this is not possible, the local officer will advise why they are unable to resolve the complaint to the satisfaction of the complainant and advise on their next course of action, which may be to follow Steve Biko HA's Complaints Policy.

Authority to pay compensation will be given to the director to the value of £xx or less. Over £xx the Board will be determined by the Board where they are satisfied with the following:

- Specific and reasonable financial loss has been incurred (and is not covered by insurance).
- Exceptional worry, distress or inconvenience has been caused.

APPENDIX A

COMPLAINTS PROCEDURE

STAGE 1 – INVESTIGATION

RESPONSE AND TARGET

This stage will occur if an informal resolution of the complaint cannot be achieved and a formal complaint has been made.

Complaint received by Designated Officer, by telephone or letter – recorded, acknowledged within 5 working days, and referred to the appropriate manager for investigation. The complainant will be issued with a reference number. The manager should not be implicated in the complaint.

5 working days for acknowledgement by Designated Officer

Manager to contact the customer to clarify the complaint and the outcome sought and to explain the procedure ensuring this is understood. The manager will set up a complaints log for internal use only (Appendix B) to be updated during the course of the complaint. The manager will respond in writing.

14 days to investigate and respond. If for any reason this is likely to take longer, the customer will be informed and provided with the expected date for a response, with reasons. The response will inform the customer of the next stage of the procedure.

The log is updated by the manager and Designated Officer informed

5 working days following the response to the customer

If the complainant is satisfied with the response any necessary action will take place and the matter concluded. If the problem is not resolved once the investigation is complete, then the customer should state clear reasons for continued dissatisfaction to the Designated Officer

The Customer is allowed 14 working days to take the complaint to the next level by writing to the designated officer.

STAGE 2 REVIEW

The Designated Officer will update the complaints log with the customer's response. The Designated Officer will refer the complaint to the Senior Manager and inform the customer

5 working days for acknowledgement by Designated Officer

The Senior Manager to contact the customer to clarify reasons for any ongoing dissatisfaction. The manager will uphold the response or suggest an alternative approach and update the complaints log (Appendix B) detailing action taken at this stage of the complaint. The manager will respond in writing.

14 days for investigation by the Senior Manager and response. The response will outline the next stage of the procedure.

The log is updated and Designated Officer informed

If the problem is not resolved once the investigation is complete, then the customer should state clear reasons for continued dissatisfaction to the Designated Officer.

The customer is allowed 14 days to take the complaint to the next level by writing to the Designated Officer

STAGE 3 - APPEAL (APPEALS PANEL)

If the complainant is still dissatisfied, the Designated Officer will update the log, with clear reasons for continued dissatisfaction and acknowledge the customer's request to go to the next stage

5 working days for acknowledgement by Designated Officer

At this stage the Director may decide to become involved in the complaint and may contact the customer to seek resolution without the need for an appeals hearing

14 working days for review by the Director

If this is not successful, the Designated Officer will arrange an appeals panel of the Board in consultation with the Director.

To next available Appeals Panel meeting. (Not to exceed 28 working days.)

An appeal report, taken from the complaint log, along with accompanying documentation is considered at the Panel. (approved by the Director) The customer has the right to view any report and other information to be presented to the panel in advance and to attend the panel with a friend to express their views. Senior Manager writes with decision, log updated Designated Officer informed

The customer will be informed of the right to appeal to the Independent Housing Ombudsman