

EHA COMPLAINTS AND COMPLIMENTS PROCEDURE:

INTRODUCTION

The aims, purposes and principles of this procedure are contained within the Associations Complaints Policy. This procedure is intended as a working guide for all staff and will be subject to periodic review by the Executive Management Team based on its effectiveness and usage. It will be summarised, along with our policy, in a publicised leaflet for our customers.

This procedure was reviewed in February 2008.

STAGES OF THE PROCEDURE

Stage 1 – Contact any member of staff (in person, by phone or in writing).

- All complaints and compliments, whether they be verbal, by letter, e-mail or fax, or completed on our standard form, should be recorded on the Complaints Database as soon as they are received, by the officer who has taken the complaint (or compliment) and a Complaints Form should be generated. See guidance notes for details and, if necessary, seek assistance from your line manager.
- The form, once filled out, should be passed to Corporate Administrators to be filed on the central complaints file where it can be retrieved should there be any further action required on that particular complaint.
- Any further telephone calls or action taken in connection with the complaint, should also be recorded on the relevant Complaints Form by the member of staff concerned.
- Complaints involving matters of a very personal and/or confidential nature eg complaints against members of staff or Board members, should be referred to your line manager and/or Human Resources (HR).
- The member of staff who receives the complaint should deal with it personally, if possible, or ensure that it is passed to the officer responsible. If you are unsure as to the officer responsible, please see your line manager. Every attempt should be made to resolve the complaint within 24 hours. The complaint should be acknowledged in writing within 2 working days and the complainant should be given the name of the person who is dealing with their complaint. A copy of the Customer Complaints service standards leaflet should be sent out with the acknowledgement letter.

- All written correspondence, including complaints forms, will be held by Corporate Administrators where it will be accessible to all staff. Written correspondence and file notes should be copied to the relevant house file where appropriate. NB: Confidential complaints, although recorded on the system will not be accessible to all staff and written correspondence in this instance will be processed by HR.

- **The Manager** of the service in question should be kept informed about the complaint and any action taken and **should sign off the complaint themselves**. This includes deciding on service failure payments if deemed appropriate.

- When a complaint has been resolved the complainant should receive a “closure letter” advising them of what action has been taken, confirming that the case has been closed and advising them that they must contact us within four weeks of receipt of the letter if they are unhappy with our response and wish to take the complaint to the next stage.

Stage 2 - Appeal to the Directors

- If the complainant is not happy with the response received at stage 1, they should appeal to the Director responsible for the service, verbally or in writing.

- The Director should examine the complaint, review any action to date and arrange to speak to / meet the complainant to hear their complaint.

- After hearing the complaint, the Director should respond, in writing, to the complainant within 7 working days. He / she may refer the complaint to the Chief Executive if necessary.

- The Director’s reply should inform the customer of their right to refer the matter to the Board Member Complaints Panel, should they not be satisfied with the response received.

- The Chief Executive should be kept informed of all decisions and any action taken at this stage, for the purposes of monitoring and reporting to Board.

- The complainant has four weeks from receipt of the closing letter to take their complaint to stage 3.

Stage 3 - Appeal to the Board Member Complaints Panel

- If the complainant is not satisfied with the decision made by the Director, they have the right to appeal, in writing, to the Chief Executive, requesting that the Board Member Complaints Panel, comprising Members who have had no previous involvement, should consider the complaint.
- The Chief Executive will prepare a report outlining options for the resolution of the complaint, for consideration by the Member Complaints Panel within 28 days.
- The complainant may appear at the panel to make their case, with a chosen representative to accompany them, if they so wish.
- The panel should aim to make its decision immediately following the appeal or at the very latest within 2 working days.
- The decision of the Board Member Complaints Panel should be final and should be considered to be the end of the Eden Housing Association complaints procedure.

The complainant should be informed of their right to appeal to the **Independent Housing Ombudsman** if they are still not satisfied. Copies of the Independent Housing Ombudsman summary leaflet and form should be made available on request.

COMPLAINTS ABOUT MEMBERS AND EXECUTIVE DIRECTORS

- The Chief Executive will process the complaint and the Member/Director concerned will be invited by the Chief Executive to comment on the complaint as part of the investigation.
- Any complaint made specifically about the acts / omissions of the Chief Executive will be referred to the Chair of the Association to determine how to proceed.

GENERAL POINTS

- Where the nature of the complaint being processed within a Department involves some actual or potential contravention of any rule of law or code of practice, or misadministration or an alleged injustice, then the appropriate

Director will inform the Chief Executive of progress and action proposed to seek appropriate advice, should the complainant remain dissatisfied.

- Complaints of financial impropriety will be referred to the Director of Resources of the Association so that he / she or a senior member of staff may assist in the investigation.
- Preliminary investigations of the complaint may reveal circumstances that require disciplinary action to be considered. In such cases the Director of Resources of the Association must be consulted as soon as this possibility becomes apparent. The complaint will be investigated (though not necessarily to its conclusion) before disciplinary action is considered. Disciplinary action will be quite separate from the investigation of the complaint.
- It is not the intention of the Procedure that an investigation of a complaint leads to negative criticism or discipline of any staff where this is clearly inappropriate. The Association will use complaints positively to see where systems, procedures and training can be improved, to reduce the possibilities of errors and mistakes happening again.
- If a complainant has suffered injury or damage to property and indicates their intention to make a claim against the Association, the finance team should be informed. Any public liability claim must be made in writing. **‘Complainants should not be encouraged to make claim’.**
- If a complaint is received which is, or could reasonably be expected to be, the subject of court or tribunal proceedings, or which is in the hands of the Association's insurers, please refer to the Director of Resources.
- The operation of the policy and procedure will be reviewed annually in the form of a report that measures the success of its operation.
- The complaint will be considered closed either a) when a positive response is received from the complainant or b) if the complainant fails to respond within a four-week period. This must be made clear to the complainant in the letter concluding their complaint.

GUIDANCE NOTES

1. Definition of a Complaint

Any expression of dissatisfaction, from a member of the public, however made, about the standard or quality of Eden Housing Association’s services, or the actions or lack of action by the Association or its staff.

Set out below are examples of categories of complaints, which indicate in general terms the range of complaints that fall within EHAs procedure. The list should not be considered exhaustive.

- a. dissatisfaction with the way the Association's policies are carried out;
- b. failure to consider relevant matters in coming to a decision, or with action taken in implementing a decision;
- c. complaints regarding employee attitudes and the actions of individual employees;
- d. delays in responding, or complaints about the administrative process;
- e. failure to provide a service;
- f. failure to achieve standards/quality of service;
- g. failure to fulfil statutory responsibilities;
- h. bias or unfair discrimination.

The following are examples of issues that may arise but are not defined as complaints under Eden Housing Association's Complaints Policy:

- a. criticism of individual employees which arise directly from the customer's dissatisfaction with an Association policy or decision, and where no other basis for the complaint exists;
- b. a disagreement with, or refusal to accept, a rule of law which the Association is applying, unless the complaint relates specifically to the way the matter has been dealt with.

If in doubt about whether the issue you are dealing with should be classed as a complaint, please refer to your line manager.

- 2. All correspondence, interview / telephone conversation notes etc relating to the complaint must be recorded on the relevant Complaints Form. This will enable all officers involved to have access to view the current status of the complaint and will make it easier to analyse all complaints received. All hard copies of correspondence and file notes must be passed to the Corporate Administrators.
- 3. Wherever appropriate, all complainants should be sent or given a copy of our up-to-date 'complaints service standard leaflet' with their initial response.

4. If the given time frames cannot be adhered to, for whatever reason, the complainant should be informed and told when they can expect a response and why there is a delay.
5. All staff within the organisation should receive initial and refresher training in the handling of complaints.
6. All staff involved with a particular complaint should be informed of the final outcome of that complaint. Feedback sessions will be organised where appropriate.
7. The complaints procedure should be reviewed annually by Management Team and changes recommended to EMT.
8. Complaints and compliments should be discussed at each Management Team meeting and reported to EMT quarterly, and bi-annually to Board. The number and nature of complaints will be published in the quarterly newsletter.
9. This procedure applies to services we are providing to other organisations eg Mitre Housing Association.
10. For guidance on service failure payments please see your line manager.