



## **COMPLAINTS PROCEDURE (2010)**

### **1.0 WHY HAVE A COMPLAINTS PROCEDURE?**

Ochil View Housing Association aims to provide a first class service however there may be occasions when you are unhappy with the service. It is important therefore for you to inform the Association if you are unhappy and give the Association the opportunity to try to resolve matters.

The aim of this procedure is to give clear details of the steps you can take to try and resolve matters where there is a problem

The complaints procedure also gives the Association the chance to monitor the quality of service we provide so that we can continually work to improve it.

### **2.0 WHO CAN USE THE COMPLAINTS PROCEDURE?**

Anyone who receives or requests a service from Ochil View can use the complaints procedure. This includes tenants, people applying for housing, owners or sharing owners and people living in neighbouring property. Information to this effect is prominently displayed in the public area of the Association's offices.

The procedure is also open to people who may be acting on your behalf, such as a councillor, MP, MSP, advice agency or solicitor. However, we do encourage you to try to sort things out with us first.

People who supply a service to us such as contractors etc. can also use the complaints procedure.

We want our Complaints Procedure to be accessible to all our customers. If you have any particular needs, for example if you need written material to be provided in large print or media other than print such as Braille or a tape recording, we will provide this at no cost to you. If you need an interpreter or information translated because your first language is not English, or you need a sign language interpreter, we can provide this and meet any costs arising.

Please note that in order that complaints can be investigated effectively all complaints should be submitted within 12 months of when the event or issue occurred. Only in exceptional circumstances will a complaint be considered outwith this period.

### **3.0 WHAT CAN YOU COMPLAIN ABOUT?**

You can complain about any aspect of our service which you are unhappy about for example if:

- unfairness, bias or prejudice has been displayed in the delivery of service;
- a repair has not been carried out properly;
- you have not received information you have asked for;
- you feel that a member of staff, a committee member or a contractor has not behaved acceptably towards you;
- you feel your housing application has not been handled properly;
- disturbance from a neighbouring refurbishment or development project that the Association is undertaking and is causing an excessive nuisance.

Complaints against neighbours will be dealt with under our Anti Social Behaviour Policy & Procedures. But if you have a complaint about the way we have dealt with a neighbour dispute, you can use the complaints procedure; a copy of which can be obtained from the Association's office.

We will always try to deal with complaints sympathetically, but there are some things we will not be able to give you information about. For example, it would be wrong for us to discuss with you the details of someone else's housing application, as this would be a breach of confidentiality, but we can of course talk to you about how our allocations procedure works.

#### **4.0 TRYING TO SORT THINGS OUT INFORMALLY**

You have every right to make a formal complaint, but in the first instance it can often be quicker and easier for everyone if the problem can be sorted out informally.

To try and resolve a problem informally, the first thing you should do is to speak to the relevant member of staff. If this member of staff is unable to resolve the problem the formal complaints procedure will require to be instigated.

#### **5.0 THE FORMAL COMPLAINTS PROCEDURE: Stage 1**

The first stage in the formal procedure is to complete a formal complaints form (**Appendix 1**) and submit this to the appropriate departmental manager. The purpose of this form is to provide details of the problem and how you would like it to be resolved. The Association's reception staff will be able to advise you as to the departmental manager responsible.

On receipt of this form the departmental manager will acknowledge receipt within 3 working days and inform you how long it should take for the problem to be considered and hopefully resolved.

If you have difficulty with the completion of this form you may be able to get assistance from one of the local agencies highlighted in Section 10.0 of this document.

#### **6.0 THE FORMAL COMPLAINTS PROCEDURE: Stage 2**

If the problem has not been resolved by the appropriate departmental manager, you should write to the Director. If your complaint is about the Director you should write

to the Chairperson of the Management Committee. At this stage there is no need to complete another form as all the details will be passed to the relevant person.

We will then write to you within 3 working days to acknowledge that your complaint is being dealt with by the appropriate person and inform you how long it should take for the problem to be considered and hopefully resolved.

Do please remember that some things will be out-with our control and may therefore be more difficult to resolve.

If you are still not satisfied with the outcome of this process an appeals procedure exists to enable you to take matters further.

## **7.0 TAKING YOUR COMPLAINT FURTHER - THE APPEALS PROCEDURE**

If, having gone through the above procedure, you do not feel that your complaint has been resolved satisfactorily, you should write to the Chairperson of the Management Committee requesting that the matter be taken to the appeal stage. The Chairperson will acknowledge receipt of your letter within 3 working days.

The matter will then be dealt with at an appropriately convened Committee meeting. If you wish to attend the Committee meeting, you can do so. It is also permissible for you to bring a friend or advisor to this meeting.

Following consideration of the appeal by the Committee the Chairperson will write to you within 3 working days of the meeting to let you know the decision.

If you remain dissatisfied with the decision reached at this stage you have the right to contact the Scottish Public Services Ombudsman as a final stage of the complaints procedure.

## **8.0 SCOTTISH PUBLIC SERVICES OMBUDSMAN**

A leaflet about the Scottish Public Services Ombudsman is available from the Association's office or from advice centres. Contact details are as follows;

**4 Melville Street**  
**Edinburgh EH3 7NS**  
**Tel: 0800 377 7330**  
**Text: 0790 049 4372**  
**Fax: 0800 377 7331**  
**Email: [ask@spsso.org.uk](mailto:ask@spsso.org.uk)**  
**Www: [www.spsso.org.uk](http://www.spsso.org.uk)**

Please note that the Ombudsman will not normally be able to deal with complaints until you have gone through the Association's own procedures first.

Also, the Ombudsman will usually only consider your complaint if it is submitted within 12 months of the decision which you are dissatisfied with. Only in exceptional circumstances will cases outwith this period be considered.

Where the Scottish Public Services Ombudsman makes an investigation into a decision we have made, we will make copies of their report available for inspection, provide a copy free of charge to anyone who wants one and place a copy on our website.

## **9.0 WHO WILL KNOW ABOUT MY COMPLAINT?**

We will as far as possible respect the confidentiality of your complaint. Whilst we are looking into your complaint your name will not be divulged any more than is absolutely necessary.

You will appreciate, however, that if your complaint involves another tenant or a member of staff or committee member, it may be very difficult for us to look into this without talking to the tenant, staff member or committee member concerned.

If you ask us not to talk to the tenant, staff member or committee member we will try to respect your wishes but it may not be possible for us to take any action to tackle the problem under such circumstances.

It is not possible for the Association to deal with anonymous complaints.

## **10.0 GETTING INDEPENDENT ADVICE**

We would always hope that a problem can be sorted out informally. However, you may feel it is important for you to get independent advice before you decide whether to complain to us formally. Advice agencies may include:-

- Welfare Benefits Service
- Housing Benefit Section of Local Authority
- Citizens Advice Bureau
- Tenant's Group or Federation
- Solicitor

## **11.0 HOW DO WE RECORD AND MONITOR COMPLAINTS?**

All formal complaints made to the Association are recorded in a complaints register and reported to the Management Committee on an annual basis by the Director. This report will detail the number of formal complaints received, the outcome and the action taken.

## **12.0 EX GRATIA PAYMENTS**

The Association may, as part of its process of resolving complaints, make an ex-gratia payment provided that the Complainant has experienced direct and quantifiable loss (not including a loss of earnings) as a result of action or omission on the part of the Association.

The Director may authorise payment of up to £250.00 although the Management Committee may authorise payment of an amount greater than this.

There is no automatic entitlement to ex-gratia payments with any claim being considered on its merits. Any payment made is a gesture of goodwill and not an admission of liability. The complainant must confirm, in writing, that acceptance of the payment constitutes settlement of any claim.

Claims for injury or damage to property shall be referred immediately to the Association's insurers. Ex-gratia payments may be made if the amount of the claim falls below the excess payable on our Insurance Policy.

### **13.0 REVIEW PERIOD**

This procedure will be reviewed at least every 3 years.

*Encls. Appendix 1: Formal Complaints Form*

George Tainsh  
Director

**12<sup>th</sup> February 2010**

#### **Policy Consultation and Review Process**

Reviewed by the Audit & Corporate Governance Committee on 17<sup>th</sup> February 2010

**APPROVED BY THE MANAGEMENT COMMITTEE ON 25<sup>th</sup> FEBRUARY 2010**



**Appendix 1**

**Formal Complaint Form**

We need a certain amount of information so that we can follow up your complaint. The information that you provide will be kept on our computer database in line with the Data Protection Act.

This information will only be used to deal with your complaint and to improve our services.

Please fill in the form using black ink and send it to the Association at Ochil House, Marshell, Alloa, FK10 1AB.

**1. Your Personal Details**

**Your Name:** \_\_\_\_\_  
\_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Tel. Work** \_\_\_\_\_  
**Home** \_\_\_\_\_  
**Mobile** \_\_\_\_\_

**Email Address** \_\_\_\_\_  
\_\_\_\_\_

**2. About Your Complaint**

Please give details of your complaint. Try to include dates and all the main points. If you need extra sheets please enclose these with the form.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



