



HR & Corporate Services

Customer Complaints Policy

This document is available in other formats such as large print, audio cassette, Braille and community languages – please ask at your local ACHA office for details

Customer Complaints Policy

We aim to provide a first class service to all of our tenants and others in the community but we realise that there may be times when you feel that the service provided is not good enough. We welcome complaints because this could give us a chance to make things better – if we don't receive your complaint we will lose that opportunity.

Our standards of service are set out in the leaflet Customer Care Charter (attached to this policy). This complaints policy and associated procedure aims to make the process clear, simple and deliver speedy resolutions to complaints. It also ensures that complaints are built into monitoring frameworks and will assist ACHA to review and develop services.

Personal information pertaining to your complaint will be protected under the Data Protection Act 1998. Complaints will also be handled in accordance with national Guiding Standards and our Equal Opportunities and Inclusiveness Policy.

What is regarded as a complaint?

The SFHA (Scottish Federation of Housing Associations) Raising Standards Guidance describes a complaint as:

'an expression of dissatisfaction, however made, about the standard and quality of service, an action or lack of action by the Housing Association or its staff affecting an individual customer or a group of customers'

The Scottish Public Services Ombudsman provides a fairly general definition of a complaint:

'A complaint is the expression of dissatisfaction with an organisation`s procedures, charges, employees, agents or quality of service'.

We would regard the following as an example of types of complaints;

- Failure to provide a service
- Delay in providing a service
- Poor quality of service
- Unacceptable behaviour by staff, contractors or board/committee members
- Dissatisfaction with a decision
- Dissatisfaction with a policy or procedure
- Misleading information
- Failure to meet contractual or statutory responsibilities

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Clearly, in many instances it is very difficult to distinguish between a genuine complaint and an enquiry. Complaints are regarded as situations where there has been a genuine expression of dissatisfaction in the service delivered by ACHA.

What is not regarded as a complaint:

- Requests for a service
- Requests under data protection
- Insurance claims against ACHA and our contractors
- HOME Argyll – refer to HOME Argyll Complaints Policy
- Neighbour Complaints

Complaints about Home Argyll (this is the common allocations system operated by the four local housing associations in Argyll) should be referred to the Home Argyll Complaints Procedure which is available at any ACHA office.

Complaints against neighbours will be dealt with under ACHA's Anti Social Behaviour Policy, however if you have a complaint about the way we have dealt with a neighbour dispute then you can use this policy.

Complaints against contractors

ACHA has a Code of Conduct which each contractor has to sign stating that employees of that company (and any sub contractors) will conduct themselves in a professional and competent manner and provide an excellent service. It lists the expectations we have of someone working in your home and their conduct towards you. If a contractors' employee fails to comply with the Code of Conduct, this Complaints Policy and associated procedure should be followed and investigations would take place with the contractor. The course of action taken if the complaint is upheld will depend on the nature of the complaint but it would be expected that redress would come from the contractor rather than the Association.

Who can use the complaints procedure?

This policy applies to individuals or organisations who:

- receive services from the Association
- are potential recipients of services from the Association
- are providers of services to the Association
- are otherwise affected by the activities of the Association

We would always encourage you to use the complaints procedure yourself but you may prefer to be represented by someone acting on your behalf, such as a councillor, member of Parliament, advice agency or solicitor. We would always advise that you put your request for assistance from another party in writing, as we may want to verify that this is your preferred option. However, we would encourage you to try to sort things out with us

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yourself before asking someone else to advocate on your behalf. If you report your complaint to us (or appeal) by telephone or in writing we will record this on our Complaints Form 1, 2 or 3. We will send you a copy of this form to ensure that information is accurate.

Stage 1: Trying to sort things out informally

To try and resolve a problem informally and at the first point of contact you are advised to report concerns or complaints immediately to a member of ACHA staff and you should tell us not only what your complaint is but how you would like to see it resolved. The staff member will fill out a complaint form (*Complaint Form 1*) with you and if you have been dealing with a particular member of staff on the issue in question it would be our advice to speak to this person first who will endeavour to resolve your issue. If the complaint relates to a particular member of staff you can ask that a different member of staff handles your complaint. If the issue cannot be dealt with immediately the member of staff will advise you how long it should take for you to receive a response (this will be a maximum of 10 working days). You will be given a written notice that the reply to your complaint cannot be given immediately (.

The response to your informal complaint will be put in writing to you

A complaint which has been passed to us and sorted out informally will be recorded for internal monitoring purposes but not recorded in the formal complaints register.

All ACHA staff can assist you with reporting your complaint. If you report a complaint to a member of ACHA's Area Committee or Board of Management this may prejudice any appeals that may be heard later by them. Should your complaint go to 'appeal' this would be reviewed by ACHA's Appeal Committee. However, should you discuss your case with an Area Committee or Board member who also sits on the Board of Management; they would have to declare an interest and could not be involved in the Appeal hearing.

Stage 2: The formal complaints procedure

We would hope that your problem will have been sorted out informally through Stage 1 above to your full satisfaction. However, if you are not satisfied you can make a formal complaint. This can be done in person, over the telephone or in writing within 20 working days of you receiving our written response to your informal complaint. If we do not hear from you within 20 working days we will presume that you are satisfied with the outcome and close your complaint.

Equal weight will be given to verbal and written complaints. Verbal complaints will be put into writing by a member of staff on our formal complaints form (*Complaint Form 2*) on your behalf, and checked for accuracy with you, the complainant.

Complaints will be:

- **recorded using a standard format** – this will help us to monitor what our customers are unhappy with and help us to improve our services accordingly.

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- **passed on to a senior staff member within the relevant department** - where the particular staff member is the subject of the complaint, it will be dealt with by an appointed Investigator. If the complaint involves the Chief Executive or a member of the Board of Management or Area Committee`s the matter will be referred to the Board of Management.
- **Acknowledged in writing within three working days** - this letter will state the name of the member of staff dealing with the complaint, the process for dealing with complaint and the date by which you can expect a response. Written complaints to us will be followed up with an acknowledgement letter within 3 working days.
- **Responded to within 10 working days-** we will write to you within 10 working days of us receiving your complaint to let you know the outcome of investigations or what progress has been made. If the outcome is going to take longer than 10 working days, we will explain why and how long a final response is likely to take.

Please remember that some things may not be within our control, and therefore less easy to sort out. If the complaint is related to circumstances out with the Association's remit, for example, the performance of other organisations or services, customers will be directed towards other sources of advice or assistance. If we do not hear from you within 20 working days we will presume that you are satisfied with the outcome and close the complaint.

If you are not happy with the response, you will then be able to use the appeals procedure set out in Stage Three below.

Stage 3: Making an appeal

If your complaint has not been dealt with to your satisfaction, there is an appeal process. If you would like to make a request for an appeal, you should do so within 20 working days of receiving the letter from us giving the final formal response to your complaint through Stage Two. Should you choose to make an appeal against the decision this will be recorded by us on our *Complaint Form 3*. Written responses acknowledging your request for an appeal will be sent out within 3 working days.

The Associations Appeal Committee will give initial consideration to your appeal request and select one of the following actions:

- Review the documentation for Stages 1 and 2
- Examine the case afresh
- Visit the site or area, or
- Hold an Appeal Hearing

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If the Appeal Committee, following consideration, opts to call an Appeal Hearing you will be informed of who will be dealing with the appeal and the timescales for this.

The Board of Management will only become involved in exceptional circumstances or where the initial complaint refers solely to a member of the Board of Management, an Area Committee or the Chief Executive.

The target date for dealing with the appeal will be within 20 working days of the request for an appeal (this is to allow time for the Appeal Committee or Board of Management to consider the information and if necessary arrange an appeal hearing). You will be informed of the target date and updated should there be a delay.

If an appeal hearing is necessary you can attend the appeal hearing and you can bring along a friend or advisor (see the section further on called 'Getting independent advice'). You will be made aware of the outcome of an appeal within three working days of the appeal decision which will be put in writing to you. If you are still not satisfied with the result of the appeal, you will normally be advised to contact the Public Service Ombudsman as set out in Stage Four below.

Stage 4: Going to an external organisation

If you have gone through our complaints and appeals procedure and feel that we have still not dealt with your complaint to your satisfaction, you can seek advice from a number of external organisations – including the Public Service Ombudsman and the Care Commission (for issues regarding sheltered housing).

The Scottish Public Service Ombudsman

Now that you have completed our complaints procedure, you have the right to ask the Scottish Public Services Ombudsman (SPSO) to consider your complaint. The SPSO is the final stage for complaints about most organisations providing public services in Scotland. Their service is independent, free and confidential.

You may contact the SPSO directly. Their details are below and I enclose a leaflet about their service.

The SPSO cannot normally look at complaints:

- More than 12 months after you became aware of the matter you want to complain about,
- Or
- That have been or are being considered in Court.

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SPSO
4 Melville Street
Edinburgh
EH3 7NS
tel: 0800 377 7330

SPSO
Freeport EH641
Edinburgh
EH3 0BR

The Care Commission

If your complaint relates to ACHA's sheltered housing you can contact the Care Commission which is responsible for making sure that all care services meet people's needs effectively. You can contact the Care Commission at:

The Care Commission (local office)
Boswell House
Argyll Square
Oban
PA34 4BD
tel: 01631 564144

The Care Commission (regional office)
Central West Region
4th Floor, 1 Smithhills Street
Paisley
PA1 1EB
tel: 0141 843 4230

Who will know about my complaint?

We will, as far as possible, respect the confidentiality of your complaint. While 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 it may be very difficult for us to look into this without talking to the tenant or staff member concerned. If you ask us not to talk to the tenant or staff member we will try to respect your wishes, but it may not be possible for us to investigate fully or if appropriate, take any action to tackle the problem.

Redress and compensation

Where your complaint is found to be justified, ACHA will make a full and formal apology to you in writing. You may also be entitled to redress which will be appropriate to the complaint, but may include action to address the issue, compensation where financial loss has occurred. The type of redress will restore complainants, if possible, to the position they would have been in, had there been no problem. Where appropriate, you will be provided with an explanation of the action that will be taken to prevent a recurrence. The Chief Executive, Departmental Directors and Regional Managers will hold the authority to provide redress through financial or other compensation.

Where Redress is required, the Scottish Public Services Ombudsman Redress Policy and Guidance should be referred to at; <http://www.spsso.org.uk/online-leaflets>

Anonymous or Malicious Complaints

It will not normally be possible for ACHA to deal with anonymous complaints as it would be impossible to check the details of the complaint or indeed to let the complainant know the

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outcome of any investigation. However, the anonymous complaint will be recorded and may be considered along with other complaints when reviewing service standards and performance.

When a complaint is deemed to have been submitted maliciously, where the intention of the complainant is not, for example, to resolve an issue of poor standards or quality of service then the Director of the relevant department or the Chief Executive will review the complaint. If deemed to be a malicious complaint, the complainant will be advised that no further action will be taken. When a complaint is rejected on these grounds, or any other grounds, an explanation will be provided in writing to the complainant.

ACHA has a Policy on Unacceptable Actions by Complainants. This policy sets out the Associations approach to the relatively few complainants whose actions or behaviour is considered unacceptable.

Getting independent and impartial advice

We would always hope that a problem can be sorted out informally. However, if you feel that it is important for you to get independent advice at any stage; you might wish to contact one of the following organisations:

Argyll and Bute Citizens Advice Bureau
Argyll and Bute Hospital
Blarbuie Road
Lochgilphead
PA31 8LD
tel: 08456 123808
fax: 08456 123809
email: info@abcab.org.uk
website: www.argyllandbutecab.cas.org.uk

Lomond and Argyll Advocacy Service (available to adults with learning difficulty, elderly people and adults with mental health issues)
155 Glasgow Road
Dumbarton
G82 1RH
tel: 01389 726543
website www.laas.org.uk

Shelter Scotland
4th floor, Scotiabank House
6 South Charlotte Street
Edinburgh
EH2 4AW
tel: 0808 800 4444
e-mail: info@shelter.org.uk

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Argyll & Bute Housing Advice & Information Service
tel: 0800 731 8337

Advice from the above organisations is free however you may choose to seek advice from a solicitor where you will be charged for this advice. There are Argyll based solicitors listed in the Yellow Pages under 'solicitors'.

How Your Complaint Could Improve our Services

Complaints can help us as well as you – we aim for the highest possible customer service standards. Informal comments and complaints will normally be those which can be acted upon and resolved without the need for investigation or further delay. Brief details of informal complaints will be recorded at departmental level for internal monitoring purposes but they will not be recorded in the formal complaints register.

The statistics on all formal complaints made (stage 1 and beyond) are recorded stages 2 & 3 are reported to our Board of Management every second month. As a Key Performance Indicator this information will appear every year in our Annual Report. ACHA's staff and Board of Management will take a keen interest in improving services where possible as a result of trends coming from complaints.

Compliance

This policy complies with SFHA (Scottish Federation of Housing Associations) Raising Standard document including the Performance Standards:

- GS1.3 Commitment to Continuous Improvement
- GS3.3 Complaints and Appeals

Improving our service to you

Complaints are not the only way of telling us what you think of the services we provide. ACHA will seek input from tenants and others on all aspects of the organisation through a comprehensive questionnaire sent out every three years. This questionnaire will include questions on whether tenants have made complaints and how these were handled. We always welcome suggestions on how we can improve the services we provide so if you have any ideas about this please let us know.

Raising Awareness

A copy of this Complaints Policy is included in the pack of information given to new tenants. A copy of the leaflet 'Customer Care Charter' is available in all ACHA offices. This leaflet gives information about making a complaint to ACHA. These two documents are also available on the ACHA website (www.acha.co.uk).

Training is given to staff and committees on this Policy.

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Equal Opportunities and Diversity

Argyll Community Housing Association is committed to providing a high quality, professional and caring service to everyone. This service will be provided to everyone without discrimination of any kind.

If you have difficulty with the written word, ACHA staff can assist you themselves or help you get in touch with someone else to progress your complaint.

This policy is available in other formats such as large print, audio cassette, braille and community languages – please ask your local ACHA office.

How to Contact the ACHA Area Offices

Helensburgh & Lomond telephone 01436 658700
31 James Street, Helensburgh G84 8AS
housing.lomond@acha.co.uk

Cowal telephone 01369 708688
Dolphin Hall, Manse Avenue, Dunoon PA23 8DQ
housing.cowal@acha.co.uk

Bute telephone 01700 501314
Union Street, Rothesay PA20 0HD
housing.bute@acha.co.uk

Mid Argyll telephone 01546 604800
Dalriada House, Lochgilphead PA31 8ST
housing.midargyll@acha.co.uk

Kintyre telephone 01586 559055
Old Quay Head, Campbeltown PA28 6ED
housing.kintyre@acha.co.uk

Islay telephone 01496 301312
Jamieson Street, Bowmore PA43 7HP
housing.islay@acha.co.uk

Oban, Lorn and Isles telephone 01631 567962
Menzies House, Glenshellach Business Park, Oban, PA34 4RY
housing.lorn@acha.co.uk

Mull telephone 01688 302051
Breadalbane Street, Tobermory Mull PA75 6PX