

COMPLAINTS POLICY

**GREAT WESTERN
TENANT PARTNERSHIP**



Complaints Policy	February 2003
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Agreed By Board	15 April 2003
Approved By Communities Scotland	20 February 2003
Date Of Next Review	

Great Western Tenant Partnership will provide this policy on request at no cost, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

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1. INTRODUCTION AND IMPLEMENTATION

DIVISION OF RESPONSIBILITIES

- 1.1 Great Western Tenant Partnership (GWTP) will ensure that staff and committee responsibilities in relation to the complaints policy are clear. The Committee will be responsible for agreeing policy and evaluating performance. Staff members will have overall responsibility for coordinating and monitoring the complaints policy.
- 1.2 GHA and GWTP will be jointly responsible for implementing this complaints policy in accordance with the GHA/LHO functional breakdowns of activities attached (see Appendix 1).

2. PRINCIPLES, AIMS & OBJECTIVES

- 2.1 GWTP's aim is to get it right first time, however, if a Tenant or Service User is unhappy with the standard and quality of the service, action or lack of action they have received, they are entitled to and encouraged to make a complaint.
- 2.2 The objectives of this policy are:
 - to deal sympathetically with complaints
 - to provide Tenants and Service Users with clear and simple information on the course of action they can take if dissatisfied with a service from GWTP
 - to resolve complaints in the minimum time
 - to outline the appeal process open to Tenants and Service Users where they are dissatisfied with the outcome of a complaint
 - to highlight the role of The Scottish Public Services Ombudsman
- 2.3 GWTP is committed to a high level of customer satisfaction in the delivery of this Policy, seeking continuous improvement. Satisfaction with the full range of services provided by GWTP will be measured regularly, including the effectiveness of the objectives of this policy, and results will be disseminated to tenants and other service users.

3. EQUAL OPPORTUNITIES STATEMENT

- 3.1 This policy complies fully with GWTP's Equal Opportunities Policy. GWTP recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.
- 3.2 GWTP will check its complaints policy and associated procedures regularly for their equal opportunity implications, taking appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.
- 3.3 GWTP is committed to providing fair and equal treatment to all its applicants including tenants and will not discriminate against any on the grounds of race, colour, ethnic or

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national origin, religion, age, gender, sex, sexual orientation, marital status, family circumstances, employment status or physical ability.

4. LEGAL & REGULATORY FRAMEWORK

- 4.1 In formulating and implementing this policy, statutory requirements, Performance Standards and Good Practice outlined in documents such as 'Raising Standards in Housing' have been incorporated, where required.

5 MAKING A COMPLAINT

- 5.1 Anyone who receives a service from GWTP or provides a service to GWTP can complain if they are dissatisfied with the service. GWTP has established a complaints procedure which is available as a leaflet at all GHA and GWTP offices. Complaints against neighbours will be dealt with under the Neighbour Relations Policy but if the complaint is about the way a neighbour dispute has been dealt with, complainants can use the Complaints Procedure.

- 5.2 All complaints will be investigated and all details, including outcomes, will be recorded.

In making a complaint a tenant or service user will usually be aware of where that complaint should be directed in the first instance, since it will relate to the action or lack of action of an individual or organisation. There may be some instances where a complainant will be unsure of whether a complaint should be made to GWTP or to GHA. The Complaints Procedure specifies the process and Appendix 1 the functions split between GWTP and GHA, which makes this clear.

- 5.3 If a Tenant or Service User has a complaint they should take it in the first instance to the Community Housing Manager or Senior Officer of GWTP. Details of who is authorised to receive and act on complaints will be available in all offices. A complaint can be made in the following ways:

- by telephone
- in person
- in writing
- by e mail.

Each of these methods will be treated equally.

- 5.4 If the complaint concerns the Community Housing Manager, then it should be made instead to the Chair of the Management Committee of GWTP.
- 5.5 If the complaint concerns the Chair or a member of the committee, the complaint should be made to the Community Housing Manager, who will refer the matter to a Complaints sub committee of the GWTP/GHA. The Committee member who is the subject of the complaint will be excluded from that Committee.
- 5.6 When a complaint is made by any of the ways mentioned above, GWTP will write to the complainant within five working days to acknowledge that the complaint is being dealt with. If the complaint remains unresolved GWTP will then write within two weeks of receiving the complaint to confirm what progress there has been, or the outcome. During this initial period ie both the five days and two weeks, every effort should be made by all parties to resolve the matter on an informal basis

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- 5.7 GWTP will, as far as possible, respect the confidentiality of complaints.
- 5.8 Anonymous complaints will be investigated and action taken if necessary.

6 APPEALING AGAINST A DECISION

- 6.1 If a complaint is not resolved to the Tenant or Service User satisfaction, a formal appeal can be made to the following:
- Appeals Sub Committee of the LHO, by contacting the relevant senior member of staff.
 - Appeals Sub Committee of GHA by contacting the Chief Executive.

An appeal would be heard within 28 days and the complainant and/or his/her representative will have the right to attend and make representations to the Committee. Committee decisions, including the reasons for that decision and details of the Scottish Public Services Ombudsman, will be communicated in writing within two weeks of the meeting.

Complainants will be given at least 14 days notice of the date of the Appeal meeting and will be given details of the process involved at that time. The Complaints Procedure outlines the process.

- 6.2 Some issues are dealt with under specific appeals processes. Complainants would be advised if their complaint falls into this category.
- 6.3 Where, after following the above procedures, a customer is still dissatisfied with the outcome they may contact the Scottish Public Services Ombudsman. Please note that the Ombudsman, or successor will normally consider only those appeals and complaints which have completed the published complaints procedure.
- 6.4 Where the appeal process has been exhausted within GWTP the complainant may appeal further to the Scottish Public Services Ombudsman. **Appeals against an LHO decision will not normally be a matter for the GHA (see section 8 below).**
- 6.5 Full details of the Scottish Public Services Ombudsman, are available from all GHA and GWTP offices. It should be noted that the Ombudsman's powers extend to investigating maladministration or service failure on the part of a Registered Social Landlord ie a housing association, but only where there is a claim that a member of the public has sustained injustice or hardship as a consequence of that maladministration or service failure.
- 6.6 Details of this Complaints Policy and of the Scottish Public Services Ombudsman will be available at all GWTP and GHA offices and in the Tenants Handbook.

7 COMPLAINTS AGAINST AN LHO

- 7.1 As a Registered Social Landlord the overall conduct of GWTP is subject to public regulation as well as to a management agreement or 'contract' with GHA. Appeals against the decisions of GWTP are therefore a matter for the Scottish Public Services Ombudsman. GHA will not act as a further appeal 'court' against GWTP.

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- 7.2 The only area where GHA will consider investigating a complaint about the conduct of GWTP is where it appears or it is alleged that GWTP was acting outwith its area of competence under the terms of its agreement with GHA or where it is alleged that GWTP has otherwise breached the Management Agreement with GHA. In such cases the complaints procedure would start with a complaint being made to a designated senior officer of GHA and thereafter would follow the process for complaints within GHA.
- 7.3 Summary details of the split of responsibilities between GHA and GWTP are contained within the Tenants Handbook and are appended to this policy (Appendix 1)

8 PERFORMANCE MONITORING

- 8.1 In order to judge the success of this policy, GWTP will put in place a system which monitors and measures performance against its own policy.
- 8.2 GWTP will publish at or prior to the commencement of each year performance targets in terms of addressing complaints as part of its wider Key Performance Indicators. Key targets will include the percentage of complaints addressed within relevant timescales.
- 8.3 GWTP's performance against those targets will be the subject of further reports in its Annual Report (see below). GWTP will produce performance indicators and performance reports against targets each year.
- 8.4 GWTP will publish, as part of its annual report, a summary report on complaints received during the previous year. This report will detail:
- Overall number and type of complaints received eg allocations, repairs etc.
 - Numbers resolved/unresolved and stages of resolution.
 - Numbers which fell outwith policy timescales.
 - Number of appeals to Ombudsman and overall outcomes eg no action, formal investigation etc
 - Action to be taken arising from the above.
 - Performance against targets.

Prior to publication this summary report will be reported to GWTP's Management Committee which may instruct action on the basis of its content.

- 8.5 GWTP will meet the reporting requirements detailed in this policy, and in the Performance Monitoring Framework agreed with GHA.

9 POLICY REVIEWS/ CONSULTATION

- 9.1 GWTP will review this policy at least every 3 years.
- 9.2 Any review will take account of the Tenant Participation requirements of Section 54 of the Housing (Scotland) Act 2001. Where GWTP intends to amend this policy, for example by redefining the timescales involved in the process, all tenants and tenants

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organisations will be consulted in advance. Changes to legislation or regulation that impact on the policy will also be consulted on in advance.

10. CUSTOMER SERVICES

CONFIDENTIALITY

- 10.1 All information given by Tenants and Service Users in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission. GWTP will comply with the requirements of the Access to Personal Files Act 1987 and the Data Protection Act 1998 in this regard.

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Appendix 1: GHA/LHO Functional Split

GHA	LHOs
<i>Policy development and implementation</i>	
Develop and maintain model policies: through GHA Management Committee develop model policies; agree variations to policies with LHOs	Policy variation and implementation: through LHO Management Committees agree variations to model policies with GHA, develop local policies.
<i>Transfer Agreement</i>	
monitor implementation of transfer agreement: incorporate delivery of transfer agreement into management agreement; monitor LHO and GHA performance in all key aspects of the transfer agreement in particular ensuring that broad principles and objectives are delivered; ensure associated statements of best practice are in place and implemented.	implementation of transfer agreement: meet all requirements of the transfer agreement as identified within the management agreement. Ensure relevant statements of best practice are implemented.
<i>Management Agreement</i>	
implementation of management agreement: specify and agree service standards; monitor LHO and GHA performance in all key aspects of the management agreement, in particular adherence to the functional specification. Prompt intervention if the LHO performance falls outwith acceptable tolerances or LHO fails to meet its targets; report to GHA Management Committee on performance; provide specified support services to LHOs; functional specifications for GHA services to be developed.	<i>implementation of management agreement:</i> through LHO Management Committees agree content of management agreement in particular the detail of the functional specification; meet all requirements of the management agreement, in particular adherence to functional specification. Ensure performance does not fall outwith acceptable tolerances or falls short of agreed performance standards, profiles and targets; report to LHO Management Committee on performance
<i>Equal Opportunities</i>	
equal opportunities: development of GHA policy; implementation of policy in respect of GHAs Team Central, Area Team staff, and service users.	equal opportunities: development of LHO policy that adheres to principles contained within GHA policy; implementation of policy in respect of LHO staff, tenants, and service users.
<i>Service Charter, Access to Information</i>	
service charter: meet standards set out in service charter in respect of services provided by GHA Team Central and Area Teams.	service charter: meet standards set out in service charter in respect of LHO services.
access to information: provide access to information, maintaining confidentiality where this is appropriate.	access to information: provide access to information, maintaining confidentiality where this is appropriate.
<i>Tenant Participation and Neighbourhood Renewal</i>	
tenant participation: develop a Tenant Participation Strategy relevant to GHA functions. Provide support to LHOs in the development of a tenant participation framework	tenant participation: develop and implement a local tenant participation policy and strategy for the LHOs.
neighbourhood renewal: co-ordination and development of an overall strategy of wider action in partnership with LHOs.	neighbourhood renewal: carry out and identify further opportunities; develop and implement the LHO's strategy of Wider Action in partnership with LHO community, GHA, and other

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	stakeholders.
<i>Local Management and Investment Plans</i>	
local management and investment plan: work closely with LHO in the development of local management and investment arrangements.	local management and investment plan: work closely with GHA in the development of local management and investment arrangements.
Housing List Maintenance, Allocations, Homelessness	
management of housing list: enable access to the citywide allocation ICT system; issue annual registration letters; liaise with GCC re Common Housing Register.	allocations from housing list: input to citywide ICT system and day-to-day housing list maintenance (new applications, changes in circumstances, data loading, selection, queue purification, and sign up process); input to common housing register (when developed).develops local policy variations as requested.
	homelessness: processing Council homeless referrals
Rents and Housing Benefits	
rent setting: setting annual rents in consultation with tenants and LHOs. Notifying tenants.	rent setting: consultation with GHA and tenants in setting annual rents
rent accounting: all citywide rent accounting procedures, citywide receipt of rent through giro and automated payment mechanisms	rent collection: rent and service charge collection in those LHOs that provide payment facilities and any associated cash handling procedures
rent arrears: attendance at Court on instructions from LHO, generation of automatic notices e.g. arrears warnings.	rent arrears: monitoring and administration of rent arrears including early intervention, accessing welfare benefit advice etc; instructing court action if required.
housing benefits: reconciliation of housing benefit interface with GCC.	housing benefits: support tenants in applying to GCC for Housing Benefits.
<i>Neighbour Relations, Estate and Tenancy Management, Community Care and Supporting People, Concierge Service</i>	
neighbour relations: legal advice and intervention in support of LHOs, including out of hours advice and support to tenants (under direction of LHO); provide LHOs with access to professional witness, arbitration, surveillance, liaison on procurement of ASBO.	neighbour relations: lead role in assessment and resolution of neighbour relations issues Involve police, other agencies and Neighbour Relations team as appropriate
estate management: stair cleaning; grounds maintenance; other contracts in support of LHOs. (e.g. Direct and Care)	estate management: implementation of estate management policy, conditions of tenancy etc.
	tenancy management: processing applications for succession, mutual exchanges, permission to reside and other changes in status of tenancy.
community care and supporting people: development of community care and supporting people policy and LHO implementation support	community care and supporting people: implementation of community care and supporting people policy
concierge service: facilitating service provision requirements across LHO boundaries	concierge service: management and delivery of concierge service, including sheltered housing, and link with estate management
<i>Repairs and Maintenance, Voids</i>	

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contract specification, management and payment: specification of repair, maintenance and other citywide contracts, payment of invoices in accordance with investment plans.	repair and maintenance: pre/post inspection, void repairs, and authorisation of payments responsibility for repair and maintenance of stock in area to agreed specification.
service contact centre: provision of 24-hour service contact centre, including repairs reporting.	
	void management: implementation of void policy.
Investment Programme and Technical Support and Regeneration	
co-ordination of major investment: management of citywide investment programme through programme development teams, including cross boundary issues. Supporting the development and execution of local investment programmes in close conjunction with LHOs, prioritising and packaging work, agreeing and setting budgets. Joint involvement with LHOs in broad issues of contractor and consultant selection. Approval of LHO plans.	local management and investment plan: Develop rolling plan setting out agreed annual expenditure. Close working with GHA in the development of local investment programmes. Managing agent for the GHA on a day-to-day basis in investment contracts. Tenant liaison and consultation. Setting priorities based on tenant consultation and liaison. Managing decants and home loss
technical development support: technical support to LHOs in implementation of local investment plans and other technical issues.	
Factoring, Owners' inclusion in investment programme	
factoring service: responsibility for provision of service to owners citywide, recovery of costs from owners.	factoring: provision of local information and assistance to owner occupiers participating in the factoring service'
	major investment programme: owner-occupier participation in investment programme. Assisting owners applying for grants
Human Resources, General Administration	
employment, management, and supervision of staff: including staff development, training, disciplining, and handling grievances.	management and supervision of staff: including staff development, training, disciplining, and handling grievances.
human resources: provision of human resource services to LHOs and GHA, e.g. recruitment procedures; salaries and pension administration; staff insurance claims; organisational change and development; management and supervision of staff; disciplinary procedures (including appeals); grievance procedures.	
ICT	
ICT: provision and maintenance of citywide systems of hardware and software. (see section 5.82)	ICT: use of specified citywide ICT and software.

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5.82)	
<i>Finance, Internal and External Audit, Insurance and Legal Services</i>	
finance: GHA financial systems; finance support to LHOs.	finance: day-to-day management of LHO finances.
internal and external audit: provision of internal and external audit services	internal and external audit: provision of internal and external audit services
insurance: meeting GHA insurance requirements including employers liability insurance.	
claims processing: processing of tenant claims.	claims processing: providing background information on tenant claims.
legal services: support to LHOs, right to buy sales, arrears, estate management including Court attendance for eviction decree and other legal remedies.	
general administration: lease and contract work required	general administration: lease and contract work required
<i>Glasgow Gold</i>	
Glasgow Gold: develop with LHOs the Glasgow Gold tenant incentives scheme	Glasgow Gold: develop with GHAs the Glasgow Gold tenant incentives scheme
<i>Complaints and Appeals</i>	
complaints: resolution of complaints relating to GHA.	complaints: resolution of complaints relating to LHO services and in line with principles contained within service charter.
appeals: processing appeals relating to GHA in line with principles contained within service charter.	appeals: processing appeals relating to LHO services in line with principles contained within service charter

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GREAT WESTERN TENANT PARTNERSHIP

ACCEPTANCE OF CODE OF CONDUCT

I agree to abide by Great Western Tenant Partnership's Code of Conduct.

I also agree to inform the Secretary immediately if I am no longer eligible to be a Committee Member under the terms stated in the Partnerships Constitution.

Signed.....

Date.....

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