



COMPLAINTS PROCEDURE

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1 INTRODUCTION

Purpose

To provide a clear, efficient and user-friendly means for tenants to have resolved matters that they consider have not been dealt with satisfactorily. The procedure aims to ensure that tenants and staff are treated fairly and to provide conciliation between the Association as landlord and its customers. The Association welcomes complaints as this indicates that tenants are empowered to insist on their rights and can also be a means of Westway improving its services.

Scope

All staff dealing with general needs or Collingham Place tenants. (There is a separate procedure for Hostel residents involving their key/ social workers).

2 REFERENCES

- 2.1 Although this procedure is available to tenants on request, the procedure should be communicated to them through the “How to make a Complaint” leaflet.

3 DEFINITION

- 3.1 A complaint is when an actual or potential tenant tells the Association that they are dissatisfied with a particular aspect of our work. Examples include tenants believing that the Association / its staff have failed to do what it / they said they would, or that they have made a wrong decision.
- 3.2 Initial complaints can be made in a number of ways, e.g. by telephone, in person or in writing (letter or e-mail). All complaints will be dealt with regardless of how they are initially reported. Where a complaint is made in person or by telephone, full details of the complaint should be taken and a copy placed on the tenancy file.
- 3.3 Complaints will usually be made by the tenant themselves. However, in instances where the tenant is in need of support, complaints may be made on their behalf by a friend, family member or other advocate. In such circumstances the Association reserves the right to satisfy itself that the complaint accurately represents the views of the tenant.

WESTWAY HOUSING ASSOCIATION POLICIES & PROCEDURE

- 3.4 A tenant's dissatisfaction with the state of their property / surroundings / rent etc. is not, in itself, a complaint. In such circumstances, a complaint only arises if the Association fails to respond adequately to the original report.
- 3.5 This procedure is restricted to complaints from tenants about the Association's performance i.e. it does not cover complaints about neighbours.

4 AIMS

- 4.1 The aim of the Complaints Procedure is that all complaints should be dealt with as quickly and simply as possible. To this end, there are three stages, starting with a complaint to the individual responsible for the service and concluding with a complaint to Board members. Clear timescales are built into the process and provision made for the tenant to be kept informed of the progress of their complaint. At each stage, if the Association has failed, every effort must be made to remedy the problem.
- 4.2 Although the Association aims to provide a standard of service which will satisfy tenants and therefore not generate complaints, the Association welcomes complaints as this enables Westway to improve its services. Therefore staff will not discourage tenants from making a complaint.
- 4.3 Most complainants want the Association to recognise where it has failed and to resolve the issue (rather than wanting compensation). If the Association has failed to provide an acceptable service, admit it and apologise.

5 THE PROCEDURE

5.1 Stage 1

- 5.1.1 Unless the complaint concerns the performance of the particular member of staff, in the first instance, complaints should be made to the person responsible for the alleged service failure. (E.g. maintenance concerns to the Maintenance Surveyor, housing issues to the Housing Officer / Manager). If the complaint concerns the performance of the person responsible for the alleged service failure then the complaint automatically moves to Stage 2.
- 5.1.2 If the tenant complains by telephone or in person and the person responsible for the alleged service failure is not available, details may be taken by any member of staff and passed to the person responsible. If the person responsible will be absent for more than a couple of days, the complaint should be handled by their line manager.

5.1.3 All complaints must be responded to, in writing, within 5 working days unless further investigation is required, in which case a holding reply should be sent within 5 working days. Where a holding reply is sent, a fully reply should be sent within 10 working days. Where possible, the response should be communicated by telephone and followed up by letter. The written response should explain the basis of the decision and notify the complainant of the next stage in the process if they are unhappy with the decision enclosing a copy of the “How to Complain” leaflet.

5.1.4 Copies of the original complaint (letter/ e-mail or file note) plus all subsequent correspondence / file notes should be passed to the Secretary / Administrator who will collate complaints statistics for reporting to the Board.

5.2 **Stage 2**

5.2.1 If the tenant is not satisfied with the response they receive at Stage 1 they should be directed to the line manager of the person who dealt with the complaint at Stage 1. Again, an (initial) response must be made (verbally and in writing) within 5 working and if necessary a fully reply should be sent within 10 working days. The written response should explain the basis of the decision and notify the complainant of the next stage in the process if they are unhappy with the decision. All correspondence / file notes should be passed to the Secretary / Administrator.

5.3 **Stage 3**

5.3.1 If the tenant is still not satisfied, the complainant should be invited to put their complaint in writing to the Chief Executive, stating whether they wish to have a personal hearing.

5.3.2 The Chief Executive will prepare a report and convene a Complaints Panel, as directed by the Chair. If a personal hearing has been requested this should be arranged, if possible, within 15 working days of the receipt of the Stage 3 complaint. (Any meeting of the Complaints Panel must be compatible with the reasonable availability of the Complainant.) The Complaints Panel will consist of at least two Board members.

5.3.3 The report will be sent to the members of the Complaints Panel within 10 working days of the receipt of the Stage 3 complaint. A copy of the report should be sent at the same time to the complainant who should be invited to make any representations to the Chair within 2 weeks of the report being sent to the Panel and complainant.

WESTWAY HOUSING ASSOCIATION POLICIES & PROCEDURE

- 5.3.4 If the complainant has requested a personal hearing, the Complaints Panel will allow the complainant to make their case and then for the staff involved at Stage 1 and/ or 2 to present their position. After the Panel has sought any necessary clarification from the complainant or staff, these individuals will withdraw from the meeting. The Panel will then proceed to reach its decision, which will be conveyed to the complainant by the Chair of the Panel within 5 working days of the Panel meeting (see below).
- 5.3.5 If the complainant has NOT requested a personal hearing, the Chair of the Panel will consult with the other members, having taken account of any representation made by the complainant in section 5.3.3. The Chair will convey the Panel's decision to the complainant within 20 working days of the report being sent to the Panel and complainant.
- 5.3.6 The letter from the Chair of the Panel will:
- stand alone, without making reference to previous correspondence unless this is attached to the letter
 - include an apology or expression of regret that a complaint was necessary to raise an issue – whether the complainant is justified or not
 - include a summary of the Association's investigations
 - declare whether the Association acknowledges it has been at fault in any way
 - state any offer made to settle the complaint and how long that offer will remain open
 - make it clear that this is a final response
 - notify the complainant of their right to complain to Ombudsman within 12 months if still dissatisfied, and how to contact him.

It is important that all these points are covered as they are the Ombudsman's expectations and he will rely heavily on this letter when investigating any complaint referred to him.

5.4 Appeal

- 5.4.1 If, having exhausted the Association's Complaints Procedure, outlined above, the tenant is still dissatisfied, they can complain to the Independent Housing Ombudsman whose details are on the "How to make a Complaint" leaflet.

6 REVIEW

- 6.1 Once a year, when Complaints Statistics are reported to the Board in the Balanced Scorecard for the final quarter, the Chief Executive will review all complaints received over the previous year and seek to identify any common features. S/he will report to the Board on this and the steps proposed to address any apparent problems.

HOW TO MAKE A COMPLAINT

Westway Housing Association aims to provide a high standard of service to its tenants and residents. The Tenants Handbook is a useful guide to refer to as it explains the obligation of the Association and our standard levels. We hope that you do not have a complaint about our service, however, for your information, we have set out below how our complaint procedure works.

What is a complaint?

A complaint is when you tell us that you are dissatisfied with a particular aspect of our work. For example, if you believe that we failed to do something that we undertook to do, or we made a wrong decision.

Who can make a complaint?

Any tenant, resident or applicant for housing can make a complaint. If you need help in making a complaint, someone else can complain on your behalf but we will need to be sure that they are representing your views.

How do I make a complaint?

Initial complaints can be made in a number of ways, e.g. by telephone, in person or in writing (letter or e-mail). All complaints will be dealt with regardless of how they are initially reported. Contact details are as follows:

<u>General Housing / Head Office</u>	<u>Collingham Place</u>
Westway Housing Association	Westway Housing Association
1 st Floor, Ladbroke Hall	90-92 Lancaster Road
79 Barlby Road	London
London	W11 1QS
W10 6AZ	
020 8964 2323	020 7792 3670

enquires@westwayha.org.uk

To ensure that complaints are dealt with fairly, Westway has a procedure for you and the Association to follow (as required by the Housing Corporation and Independent Housing Ombudsman):

Stage 1

If you have a difficulty that has not been resolved you can make a complaint by telephone, in writing, or in person. All complaints will be dealt with regardless of how they are initially reported. You should make your complaint to the person responsible for providing the service with which you are dissatisfied. They will respond to your complaint within 5 working days.

Stage 2

If you are not satisfied at the end of Stage 1 or you have not received a response within 5 working days you should contact the Line Manager of the person you complained to. This person can be identified from the Organisation Chart attached to this leaflet. Alternatively, any member of staff at Westway can advise you of the person to contact. This manager will respond to your complaint within 5 working days.

Stage 3

If you are still not happy with the response, you should contact the Chief Executive who will prepare a report for the Complaints Panel. The Complaints Panel will be made up of at least two Board members. You may state whether you wish to meet with the Panel to put your case. You will receive a copy of the report within 2 weeks and will be given a further 2 weeks to put your case in writing. You will be told of the decision of the Panel within 6 weeks of making your Stage 3 complaint.

Ombudsman

If you remain dissatisfied, you can complain to the Independent Housing Ombudsman:

The Independent Housing Ombudsman
Norman House
105-109 Strand
London
WC2R 0AA
Tel 020 7836 3630
Lo-Call 0845 7125 973
Fax 020 7836 3900
Email ombudsman@ihos.org.uk
Website www.ihos.org.uk

This service is free to use but **the Ombudsman will not accept any complaint unless you have been through the Association's Complaints Procedure above.**