

River Clyde Homes

How to make a complaint and comment

Approved 12th December 2006

**Review date – two years from the date
of transfer**

This policy can be made available on request in a variety of different formats, such as on tape, in large print and translated into other languages. This will be made available by River Clyde Homes at no additional charge. If you, or anyone you know, would benefit from this, please advise Yvonne Clark on 01475 712699 or by email Yvonne.Clark@riverclydehomes.org.uk

Ten tekst jest dostępny w różnych językach i formatach. Prosimy skontaktować się z biurem River Clyde Homes, telefon 01475 712354 i będziemy mogli wtedy pomóc.

यह पालिसी अनेक भाषाओं और फ़ॉर्मेटों में उपलब्ध है। कृपया River Clyde Homes से 01475 712354 पर संपर्क करें और हमें सहायता करने में प्रसन्नता प्राप्त होगी।

ਇਹ ਪਾਲਿਸੀ ਬਹੁਤ ਸਾਰੀਆਂ ਭਾਸ਼ਾਵਾਂ ਅਤੇ ਫਾਰਮੈਟਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ River Clyde Homes ਨਾਲ 01475 712354 'ਤੇ ਸੰਪਰਕ ਕਰੋ ਅਤੇ ਮਦਦ ਕਰਨ ਵਿਚ ਸਾਨੂੰ ਖੁਸ਼ੀ ਮਿਲੇਗੀ।

یہ پالیسی مختلف زبانوں اور کئی وضع میں دستیاب ہے۔ براہ کرم River Clyde Homes سے 01475 712354 پر رابطہ کریں اور ہم بخوشی مدد کریں گے۔

是項政策備有一系列的語文版本及其它格式以供索取。請致電 01475 712354 聯絡 River Clyde Homes，我們樂於向你提供援助。

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River Clyde Homes
Complaints and Comments Policy
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1.0 Statement of objectives

1.1 The objectives of this policy are to ensure that our customers have a fair, effective and well publicised procedure by which they can make a complaint or comment about River Clyde Homes' activities and sets out how complaints and comments will be dealt with including the right of appeal to the Board and ultimately, to the Scottish Public Services Ombudsman for Scotland

2.0 Compliance with Performance Standards and Good Practice

2.1 This policy complies with performance standard GS3.3, Complaints and Appeals, which states, "We deal fairly and effectively with anyone wanting to appeal against, or complain about, any of our decisions or activities. We make it clear that they can complain about us to the relevant Ombudsman" and the recommendations of good practice guidance from the Scottish Federation of Housing Association's Raising Standards, Chapter 8 which deals with Customer Complaints on a four stage basis.

3.0 Expected Outcomes

3.1 The expected outcomes for this policy are that

- investigation and response to a complaint or comment will be given within set timescales
- decisions will be as open and transparent as possible

- the policy will enable complainants to seek redress, where appropriate
- a system of review is available for complainants who remain dissatisfied with earlier stage responses
- River Clyde Homes' staff will be trained to develop expertise in complaints handling

3.2 It is also important to note that River Clyde Homes will not view complaints and comments in a "blame culture". This means that complaints and comments will be welcomed as an essential feedback mechanism from our stakeholders.

3.3 Complaints and comments, and any outcome information relating to these, will be reported to the Board of River Clyde Homes on a quarterly basis to identify trends in complaints in order that this feedback from our customers can be used to shape future policy review and inform our day-to-day management and delivery of services.

4.0 Why River Clyde Homes has a complaints procedure

4.1 River Clyde Homes provide a range of housing related services and continuously strives to ensure that services are provided effectively and efficiently. From time to time our customers may be unhappy with the service they receive or the way it is given or may wish to make a suggestion about how a service could be provided differently. It is important that our customers are given the opportunity to tell us about such instances.

5.0 What is a complaint?

5.1 A complaint is an expression of dissatisfaction, made verbally, in writing or electronically, about the standard and quality of service, action or lack of action by the organisation or our staff, which affects an individual customer or group of customers.

5.2 Raising Standards stipulates that the main components of complaints are likely to centre on: -

- avoidable delay, poor quality, incompleteness or absence of services provided
- unfairness, bias or prejudice in the way in which services are provided
- inadequate, or a failure to follow correct, procedures
- the attitude or approach of members of staff
- not offering a suitable remedy when one is necessary
- activity by the organisation which adversely affects a group of residents.

5.3 Anonymous complaints will also be dealt with by this procedure although only the terms of the complaint can be investigated, as a formal response cannot be given. Outcomes from an anonymous complaint will still form part of the quarterly monitoring of complaints by the Board.

5.4 All stakeholders who have an interest in River Clyde Homes can complain including tenants, owners residing in our estates and applicants on our house waiting list.

6.0 What is not a complaint?

6.1 Enquiries or requests for a service are not, in themselves, a complaint. Examples of this are

- Enquiries regarding our allocation policy
- Repair requests to remedy a defect
- Anti-social behaviour complaints regarding a neighbouring resident or anything relating to a neighbour dispute

6.2 However, where a customer is dissatisfied with the way in which we have dealt with, for example, their housing application, repair request or neighbour dispute, then this does constitute a complaint and will be dealt with under the terms of this procedure. An example of this would be where a tenant reports a repair and is advised that it will be completed within 28 days. If they call again within the 28 day timescale to ask why it is not yet done, this will not be treated as a complaint. However, if the tenant calls on the 29th day to ask why the timescale has been exceeded, this will be treated as a complaint, as an aspect of the service standard has not been fulfilled and the complaint will be logged. Another example would be where an applicant on the housing list “complains” that they have been waiting for a lengthy period without being made an offer. This will not be considered as a complaint by River Clyde Homes. However, if they are dissatisfied with the approach taken by the officer who dealt with their enquiry, this would be a legitimate complaint.

7.0 What is a Comment?

7.1 A comment is a suggestion made by a customer, which could improve our service delivery or enhance our effectiveness and efficiency, for example, produce an explanation leaflet on a policy area where none is currently available.

8.0 Comment or Complaint?

8.1 If a comment is made, there is no automatic access to a review of the response given at stage 1 or 2 of the policy (see next section on dealing with a complaint) by senior management or right of appeal to the Board of River Clyde Homes or the Scottish Public Services Ombudsman. If a customer is dissatisfied with any matter relating to the operation of River Clyde Homes’ business or thinks their comment has not been properly addressed or noted, then they will be advised to go through the complaints process, rather than highlighting a comment.

9.0 Dealing with a Complaint

9.1 Stage 1- Local Complaints

9.1.1 The majority of complaints are likely to be verbal, made to front line staff who provide the service being complained about. These can be resolved informally “on-the-spot” or during the course of the working day to the customer’s satisfaction. This category of complaint will be identified as a Stage 1A Complaint.

9.1.2 When individuals indicate that they wish to make a complaint, their complaint will be confidential and a confidential interview will be offered, whenever possible.

9.1.3 Even where the matter has been resolved informally, there is a need to record the complaint in order to identify trends or problems with any part of River Clyde Homes’ service level or activities. The complaint record will be completed but investigation will not be necessary, other than noting what action was taken and that resolution was achieved that day. It is likely that this type of complaint will involve day-to-day operational issues, which do not involve investigation and research prior to a response being given. Customers will be advised that the organisation plans to treat the complaint informally and that no further action will be taken, so that the customer can confirm that they are satisfied with this course of action.

9.1.4 Where a complaint cannot be resolved immediately, or where the tenant asks to make a complaint, a complaint record will be completed, complainants will be given a copy of their complaint and an investigation will commence by a supervisory officer of the section to which the complaint is directed. Records of the investigation will be maintained in the event that the complainant progresses to a stage 2 complaint. An acknowledgement of the complaint will be given within 3

working days and a timescale for response from the Investigating Officer advised to the complainant of 15 working days. The Investigating Officer will be named in the acknowledgement and contact details for the Officer will be included. In exceptional circumstances, it may be necessary to undertake a home visit to record or investigate complaints, at a mutually convenient time.

- 9.1.5 This stage of the complaints procedure is likely to involve elements of service delivery or procedural issues. If the 15 working day timescale cannot be met due to requiring information from, for example, an external source, or detailed and protracted research is required to answer the complaint, the complainant will be advised of this in writing and a revised timescale for response communicated to them.
- 9.1.6 Where a complaint is justified, we will consider appropriate redress for the complainant. (Legal and insurers advice may have to be sought in event of a potential claim against River Clyde Homes).
- 9.1.7 The nature of the complaint and the outcome of all investigations at Stage 1 will be recorded and reviewed by The Board on a quarterly basis.
- 9.1.8 Written comments will be recorded in the monitoring statistics for stage 1 but identified separately. A written comment should be acknowledged within 3 working days thanking the writer for their comments and updating them, if possible, on whether their comment will be taken further. If the comment appears to be a legitimate complaint, contact should be made, by telephone if possible, or in writing, to explain the complaints procedure to the individual and how they can prompt a stage 1 investigation.

9.2 **Stage 2- Directorate Complaints and review**

9.2.1 If the complainant remains dissatisfied with the response to their complaint at stage 1 or the Investigating Officer at Stage 1 thinks that the seriousness of the complaint merits a senior officer's review, a written request should be made for the Chief Executive of River Clyde Homes to review the decision made at Stage 1. The Chief Executive can delegate the review to a manager. This stage can be a review of the earlier decision or a new investigation. The complaint will be acknowledged within 3 working days and a response issued with the outcome of the review within 10 working days.

9.2.2 Any complaint involving an allegation about a member of staff will be immediately referred to Stage 2 Investigation.

9.2.3 The nature of the complaint and the outcome of all investigations at Stage 2 will be recorded and reviewed by The Board on a quarterly basis

9.3 **Stage 3- Board Review**

9.3.1 If the complainant remains dissatisfied with the written response to their complaint at stage 2, they are entitled to request an appeal to be heard by the Board of River Clyde Homes. This is the stage at which members of the Board will have the opportunity to review manager's decisions on the outcome of a complaint and on whether policy has been adhered to. There may be occasion, if the seriousness of the complaint is such, on which a complaint would be referred immediately to the Board for consideration. Appeals are likely to consist of matters relating to

- Policy or resource issues handled by the governing body of the RSL
- Discrimination by a member of staff

- Complaint refers to conduct or abusive attitude of a member of staff and complainant so aggrieved that Stage 1 and Stage 2 are by-passed
- Serious misconduct by a senior member of staff
- Actions of the Chief Executive or Management (directorates)

The appeal acts as the final stage for River Clyde Homes to respond to a complaint.

9.3.2 The appeal process will be driven by a standard request form, which will be completed by the complainant giving their reason(s) for considering that their complaint has not been resolved. The appeal will be by a review of the papers from stage 1 and 2 of the process and by an invitation to a face-to-face meeting with the complainant (who may wish to bring a representative along). An ad-hoc Complaints Sub Committee of the Board will be set up with three members, one from each of the constituency groups. The Sub Committee will meet as and when complaints are received.

9.3.3 Once the Board has considered the complaint, a written response on their findings will be prepared and a letter from the Board will be issued to the complainer advising of their findings. The timescale for this is within 5 working days. This reply will also advise on the stage 4 external review, if dissatisfaction remains with the decision, by the Scottish Public Services Ombudsman.

9.4 **Stage 4- Examination of Complaint by the Scottish Public Services Ombudsman**

9.4.1 This is the final stage in the complaints process and can be progressed by a complainant who remains dissatisfied with the outcome of a complaint or the way it was handled but only if they have progressed through the stages of River Clyde Homes' complaints procedure and the nature of the complaint refers to the organisation's landlord role.

9.4.2 The Ombudsman's remit for reviewing complaints does not include those about

- commercial decisions
- rent or service charge levels
- neighbour disputes
- complaints which have been the subject of proceedings at Court or findings by an arbiter or tribunal

9.4.3 The Ombudsman's address is
Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS

Tel no. 0870 011 5378

Fax No. 0870 011 5379

E.Mail enquiries@scottishombudsman.org.uk

9.4.3 Both the Board and staff of River Clyde Homes will co-operate fully with the Ombudsman to enable a formal investigation to be undertaken. If, at Stage 4, the Ombudsman finds that the Board Review was inappropriate or recommends action, the Board of River Clyde Homes will be bound by the Ombudsman's recommendations.

10.0 Complaint to the Care Commission

10.1 Tenants residing in sheltered housing complexes have the right to complain to the Care Commission if they have concerns about the care provision provided through the warden service.

10.2 The Care Commission's address is

Care Commission

Central West Region

4th Floor

No1 Smithhills Street

Paisley

PA1 1EB

Tel No. 0845 600 8334 or 0141 843 4230

11.0 Persistent, Vexatious or Malicious Complaints

11.1 Occasionally, complaints may be considered to be persistent, vexatious or malicious. Where a complainant is considered to be making complaints of this nature, there can be distracting and disruptive consequences which can cause strain on River Clyde Homes' scarce resources. However, each separate complaint will be treated on its own merits.

11.2 River Clyde Homes' aims to deal fairly, honestly and properly with persistent, vexatious or malicious complainants whilst ensuring that other service users, staff or the organisation, as a whole, does not suffer any detriment.

11.3 For the purposes of this policy, a persistent, vexatious or malicious complainant will be, " a member of the public who complains about issues that they consider to be within the remit of the organisation and

whose behaviour is characterised by any or all of the issues identified at 11.3.1, 11.3.2 and 11.3.3”

11.3.1 Where the complainant undertakes actions which are obsessive, persistent, harassing, prolific or repetitious, for example,

- has excessive contacts with staff which places unreasonable burdens on them
- harasses or is personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint or their colleagues or families. It is recognised that complainants may sometimes act out of character at times of stress, anxiety or distress and allowances are made for this. All incidents of harassment or aggression will be documented and dated.
- uses or threatens to use physical violence towards staff or their colleagues or families. This will result in personal contact with the complainant being discontinued and the complaint can only then be pursued by written communication. All such incidents will be reported to the Police by River Clyde Homes.

11.3.2 Where the complainant insists on pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason, for example

- is unwilling to accept documented evidence of services provided as being factual. This may also extend to complainants who do not accept that facts can be sometimes difficult to verify after a long period of time has elapsed.
- persists in pursuing a complaint where the complaints procedure has been fully implemented and exhausted
- refuses to progress the complaint to the next stage of the process, for example, the Ombudsman
- is unwilling or unable to accept that the concerns identified are not within the remit of the association to investigate

- focuses on a trivial matter to an extent which is out of proportion to its significance and continues to focus on these point
- is a representative complaining on behalf of someone who will not accept a complaint investigation as appropriate.

11.3.3 Where the complainant insists on meritorious complaints in an unreasonable manner, for example

- displays unreasonable demands or expectations and fails to accept that these may be unreasonable once a clear explanation has been given, for example, insisting on the response to a complaint or enquiry being provided more urgently than is reasonable or as detailed in this policy
- changes the substance of a complaint, persistently raising new issues, unreasonably raising new issues or further questions relating to the complaint during the complaint investigation period
- insists that they have received inadequate response to their complaint in spite of a large volume of correspondence specifically answering their questions/concerns

11.4 If a complaint is considered to be persistent, vexatious or malicious following investigation by a supervisor at Stage 1, the complainant will be advised that the complaint is considered to be unfounded. Options for a further review at Stage 2- see 9.2 will be included. A complainant persistently raising the same complaint who has exhausted River Clyde Homes Complaint's Procedure will only have a further complaint investigation by Officers of River Clyde Homes if new information or evidence from the tenant comes to light.

12.0 Logging and Monitoring

12.1 If the complaint report is verbal and requires investigation, the logging of complaints will be the responsibility of the receiving officer to log onto the complaints database. The responsibility for updating outcomes are for the investigating officer, Manager/Chief Executive and Board members to give a full and accountable record of complaints received and actions taken. This record will form the basis of the quarterly review statistics for the Board and will inform policy review and day-to-day management, where trends are evident in complaints and change is deemed necessary before a scheduled policy review is due.

13.0 Informing and Involving Stakeholders

13.1 River Clyde Homes' tenants will be advised of the Complaints and Comments policy by a leaflet, issued to new tenants at the sign-up interview. The policy will also be widely publicised by articles in tenants' newsletters, on the website and in local offices. River Clyde Homes will also publish advice sources, for example, Tenants and Residents' Associations and advice centres.

13.2 Changes in policy or procedures brought about by customer complaints and comments will also be reported via newsletters and on the website. This will let stakeholders know that River Clyde Homes is responsive to service users.

14.0 Corporate Fit

14.1 This policy links to the [Scottish Secure Tenancy Agreement](#) which sets out the Complaints Policy as a contractual right for tenants of River Clyde Homes. It is crucial that River Clyde Homes listens to the views of our customers and acts upon any complaint if we are to provide high quality services and this policy links to the [Customer Care Policy](#).

15.0 Review

- 15.1 This policy will be reviewed every two years from the date of transfer in consultation with tenants, including tenants' organisations and stakeholders as per Guiding Standard 2.2.