COMPLAINTS POLICY AND PROCEDURE

Introduction

At South Road Housing Cooperative (SRHC), we believe that the needs of our residents are our top priority, and we are committed to providing them with quality services. However, we realise that, even in the best run co-operatives, there may be times when things go wrong, and that residents may be unhappy with the service we provide. When this happens, we must do all we can to investigate and solve the problem as quickly as possible.

SRHC takes every complaint seriously and it enables the business to:

- Acknowledge our residents' points of view.
- Learn from our mistakes.
- Continually improve our services.

SRHC seeks to ensure that any complaints are dealt with in a fair and equitable manner. The Regulatory standard on Tenant Involvement and Empowerment also sets a minumum requirement for housing organisation's handling of complaints and states '*registered providers shall have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.'*

The Housing Ombudsman Service

The Housing Ombudsman updated the Complaint Handling Code of Practice in 2024 and in line with requirements SRHC will conduct an annual self- assessment which will be submitted to the Housing Ombudsman Service annually and following reviews.

The Ombudsman Complaints Handling Code provides a universal definition of a complaint as follows:

'An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.' (Code 1.2)

Complaint Handling

We aim to resolve issues through informal means wherever possible. However, there may be occasions when the co-op will have need of a formal procedure for the resolution of complaints. This may be when:

a. Complaints about breaches of the Co-operative's policies and procedures /governance requirements
b. Complaints about external agencies / contractors used by the co-op
c. complaints received from another organisation against the co-op.

Some complaints will not fall under the SRHC's jurisdiction and the Co-op will be able to do little other than offer advice and guidance.

SRHC also recognises that in a small Co-op, complaints can be time consuming and difficult. However, the fair and efficient handling of complaints is an important part of providing a good

service.

The aims of the Complaints Policy and Procedure are:

- To ensure a speedy and fair resolution to the problem
- To promote reconciliation not confrontation
- An opportunity to identify and resolve concerns

What is a Complaint?

1. A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the co-op, by Trident Group on behalf of SRHC, or by others acting on its behalf, affecting an individual member or group of members.

2. A complaint may be about something that the SRHC should or should not have done or has done badly or has done or not done in accordance with its policies. A complaint may also be about a complainant feeling that they have not been treated fairly or they have been discriminated against in the provision of a service.

3. The co-op will accept and act on complaints unless there is a valid reason not to do so.

4. The following would not usually be considered through the co-op's complaints procedure unless there are valid reasons to consider them:

    - Requests for a particular service (e.g., a complaint about a repair or something else that has not yet been requested)
    - Issues relating to Anti-Social Behaviour or Neighbour Nuisance or Neighbour Disputes which need to be dealt through other relevant policies
    - New issues that arise during a complaints investigation unless they are relevant to the complaint under investigation
    - Anonymous complaints
    - Matters that relate to legal proceedings that have started
    - Complaints about something more than six months old
    - Matters that have already been considered under the complaints policy
    - Issues relating to how the co-op is governed which need to be dealt with through the co-op's Code of Conduct.

If SRHC chooses not to receive a complaint for one of the above reasons, it will formally write to the complainant setting out its reasons why.

The Co-op can receive complaints though a variety of means:

- in person or by telephone phone through Trident Group staff at their office - 239 Holliday St, Birmingham B1 1SJ
- by letter addressed to the Co-op's Registered Office
- by email at coop@Tridentgroup.org.uk

SRHC is committed to ensuring that people are not disadvantaged by the complaints process. We will ask individuals if they require any reasonable adjustments within our acknowledgement letter and we will make reasonable adjustments as required under the Equalities Act 2010.

What the Complaints process does not cover:

- SRHC policy content, changes to which should be proposed at a General Meeting.
- Actions of bodies outside the Co-op's control, such as Housing Benefit, and other statutory

agencies. These bodies will have their own complaints procedures.

- Allegations of criminal behaviour, which should be reported to the Police.
- Disputes between members of the same household.
- Decisions made by the courts (e.g. the granting of a Possession Order).

Complaints Process

STAGE ONE

When a complaint which falls within the scope of this policy is received, the complainant should be sent a letter of acknowledgement within 5 working days, confirming that the complaint has been received and that the complaints process has begun. The Co-op may choose to delegate this function to an independent organisation, but the independent organisation should remain accountable to the Co-op's management committee (or Complaints Sub-Committee).

Once a complaint is being investigated, the matter should not be discussed elsewhere in the Co-op, either by the Management Committee and its sub-committees, or by a General Meeting. There should be no attempt by any of the parties to lobby or otherwise seek to influence the investigation or its outcome.

The purpose of the investigation is twofold, to determine the facts of the case, and to recommend what, if anything should be done to resolve the complaint.

Record of the investigation will be made at all stages of the investigation, and copies of any supporting documentation should be kept on file.

As different complaints will have different circumstances, it is not possible to be unduly prescriptive as to the form the investigation should take place, but it should be such that the allegations are clearly set out, and the evidence to support them is presented. Where parties have refused to co-operate with the process, this should be noted.

At the end of the investigation, a written report will be submitted to the Management Committee setting out whether the complaint has been upheld, in whole or in part, and the recommended remedy.

The Management Committee will decide whether to accept the findings of the report, in whole or in part. A clear minute will be made of the decision, stating whether the findings of the report have been accepted in terms of the substance of the complaint, and any remedies recommended. The complainant should be informed in writing of Management Committee's decision.

The initial investigation should normally be concluded within 10 working days of the date of the acknowledgement letter. Where this is not possible, the complainant and the Management Committee should be informed, and given reasons for the delay. An extension may be agreed in discussion with the complainant.

STAGE TWO

Where the complainant disagrees with the findings of the investigation, or with the decision of the Management Committee in the case, they have the right to appeal and proceed to Stage Two.

New material cannot be part of an appeal. The escalation to Stage 2 will be acknowledged within 5 working days and must be responded to fully within 20 working days. If this is not possible, an explanation and a date when the stage two response will be received. This must not exceed a further 10 working days.

The Management Committee will set up a panel of three co-op members with no previous involvement in the case, who will consider the findings of the original report and decide whether to uphold, reject, or amend them.

This is the final stage in the process and the decision of the Panel will be considered final and binding. If the complainant is still dissatisfied, they may wish to refer the matter to the Housing Ombudsman Service.

Conflicts of Interest

SRHC is a small organisation where most people know each other. This may lead to accusations by parties to a dispute that the people investigating the complaint are not in a position to make an objective assessment of the case. In the case of complaints, a conflict of interest will normally be where someone investigating the case has a *direct* involvement, is from the same household as one of the parties or has a family/relationship connection with either of the parties.

The Management Committee and Complaints Sub-Committee have a duty to ensure that no conflicts of interest occur during the handling of a complaint. An allegation of conflict of interest should not prevent the initial investigation from proceeding but may be grounds for an appeal against the results of the investigation.

Vexatious Complaints

Where either the Management Committee or the Complaints Sub-Committee determine that the purpose of a complaint is to disrupt the functioning of the co-op, or that it is malicious in nature, they may decide not to proceed with taking it through the complaints process. Any such decision must be communicated to the complainant in writing, setting out clearly the grounds on which it has been made. If the Complaint is made against individual Committee members, they shall remove themselves from this decision.

Confidentiality

Every effort should be made to ensure that complaints remain confidential. This imposes responsibilities on the complainant, the investigators, the Management Committee and anyone else who becomes party to information about the case. Where the circumstances of the complaint, or the investigation are such that maintaining confidentiality is not possible, this should be brought to the attention of the complainant and the Management Committee.

Retention of Documents

All documents and files relating to a complaint shall be kept on file for at least five years.

Summary of complaint process

1. Complaint received in writing, in person or over the phone.

2. Acknowledgment letter sent with 5 working days of receipt.

3. Investigation by Complaints Officer and/or independent organisation, to investigate and report within 10 working days from date of acknowledgment letter unless complainant is informed otherwise.

4. Report considered at next available Management Committee decision meeting and decision in writing to complainant within 7 days of meeting.

5. If complainant unhappy with decision, they have four weeks to submit appeal in writing.

6. Appeal panel should make decision within 20 working days of receiving written appeal.

7. If complainant unhappy with final decision made by the Appeals Panel, they should contact the Housing Ombudsman Service. If a complaint falls within its guidelines, The Housing Ombudsman Service will investigate.

www.housing-ombudsman.org.uk

The Ombudsman can be contacted at:

Housing Ombudsman Service, P O Box 1484, Unit D, Preston, PR2 0ET

Telephone: 0300 111 3000
Email: info@housing-ombudsman.org.uk