

COMPLAINTS POLICY

1. INTRODUCTION

Newport Housing Trust (and its agents) will respond promptly to complaints received from its tenants in respect of the service it provides. Although the Trust is committed to providing its tenants with a high quality service in all areas of its housing functions, it is inevitable that there will be occasions when complaints are received regarding standards of service delivery in specific circumstances.

2. POLICY

2.1 Newport Housing Trust welcomes comments from its tenants regarding the efficiency of the service provided by the Trust (and its agents). Whenever a complaint is received regarding the quality of its service Newport Housing Trust (or its agents) will carry out an investigation in accordance with the procedures laid out in this document. In this way Newport Housing Trust (and its agents) will strive to continuously improve the quality of its service to tenants wherever possible.

2.2 Complaints and/or comments regarding the quality of Newport Housing Trust's service (or that of its agents) generally, or in relation to specific aspects of the service can be made by one of the following methods:

- by letter
- by e-mail
- by telephone
- in person
- or through a Member of the Board of Directors
- at a public meeting
- by petition
- through a customer comment card (eg. repairs)

2.3 Where and to whom complaints should be made

Initially, complaints should be made to a member of staff of the Trust (or agents) and, if the complaint is in writing, should be addressed to:

Newport Housing Trust Ltd
6th Floor Clarence House
Clarence Place, Newport.
NP19 7AA

Complaints in person should be made by appointment and held at the Managing Agents Office in the first instance.

The Stages of Responsibility are:

Stage 1 – Initial Complaint – to responsible/operational officer

Stage 2 – Trust Head of Operations (Change to Head of Service – more appropriate to nature of complaint)

Stage 3* – Trust Chief Executive

Stage 4 – The Board of Directors (Represented by the Chair or an appointed Working Group)

At any stage during the Complaints procedure you have the right to contact the

Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed. CF35 5LJ.

Tel: 01656 641150 Fax: 01656 641199:

E-mail: ask@ombudsman-wales.org.uk Web: www.ombudsman-wales.org.uk

The Trust will co-operate fully with any recommendations set out by the Ombudsman.

**(Complaints relating to Board Members of the Trust will be referred to the Chief Executive in the first instance and the Chair of the Board informed, in cases which relate directly to the Chair the Vice Chair will be consulted.)*

3. IMPLEMENTATION

3.1 Complaints - Definitions

A complaint is an expression of dissatisfaction however made about the standard of service, action or lack of action by the Trust, its staff or agents acting on the Trust's behalf, affecting the public, tenants or customers.

3.2 It is not a complaint when the customer requests an initial service, information, guidance or advice or an explanation of Trust policy or practice. However, wrong advice previously given may be grounds for complaint.

3.3 Where there is doubt about whether a member of the public, tenant or customer is making a comment or complaint, the member of staff must ask the person rather than ignore the statement.

3.4 In most cases complaints can be dealt with on the spot if made in person or on the telephone. If the tenant(s) is not satisfied with the explanation given or the action promised in response to the complaint the details will be recorded and the complaint passed on to a more senior member of staff to resolve.

If the complaint is of a more serious and/or complex nature and cannot be resolved at the time (if delivered in person or on the telephone) the complaint will be written down and passed to the relevant officer for consideration.

4. PROCEDURES

- 4.1 The complaint must be acknowledged in writing within 5 working days together with a copy summary of the Complaints Procedure. A full written response should be sent within 10 working days unless third party circumstances prevent this. In such cases the complainant should be informed of an anticipated timescale. If this is unsatisfactory the complainant will have the right of appeal to the next stage.
- 4.2 Should the complaint appear to be of a serious nature or there are special circumstances the complainant(s) must be contacted within 5 working days and advised of what action is being taken.

Where a complainant(s) is unhappy with the response to his/her complaint this must be noted and the details, including the complaint and outcome of any investigations, passed to the next stage and ultimately the Board of Directors for a final decision. At stage 2 & 3 of the process the complainant is entitled to meet with the Head of Service / Chief Executive as part of the process and where appropriate. The decision will be made known to the complainant within 5 working days of the Board's decision. The complainant(s) can, providing they advise the Board in advance, attend the meeting to hear the case and to make comments if they wish. The complainant may be accompanied by one person of their own choosing who may act as a representative on their behalf.

- 4.3 Where necessary corrective action will be taken to minimise the opportunity for a recurrence of the grievance by any other tenant or third party.
- 4.3 Guidance on the Trust's complaints procedure will be made available at the Trust's (or agent's) office and will be included in the Tenants' Handbook.

5. COMPLAINTS AGAINST A MEMBER OF STAFF OR AGENTS STAFF

The Complaints Procedure will be followed. However, complaints will go to the relevant line manager for action. Where complaints are against the Chief Executive, a member of the Corporate Services Department will inform the Chairman of the Board who will deal with the matter.

6. COMPLAINTS AGAINST A BOARD MEMBER

Any complaint received from residents or a third party concerning a Board Member will be sent immediately to the relevant Board Member by the Company Secretary (The Trust Chief Executive). The Board Member should promptly respond in writing to the Company Secretary who will then respond to the complaint in line with the policy.

7. COMPLAINTS AGAINST A RESIDENT BY STAFF OR AGENTS STAFF OR CONTRACTORS EMPLOYED DIRECTLY OR INDIRECTLY BY THE TRUST

Any complaint against a resident will be referred to the Chief Executive in the first instance. If the resident is a Tenant the complaint will be investigated against the requirements of the Tenancy Agreement. If the complaint is so severe that a breach of tenancy is indicated the Tenant will be written to in line with the appropriate policy which will be followed. If the complaint does not constitute a breach of tenancy or the resident is an Owner the resident will be written to asking for their response to the complaint.

8. UNRESOLVED COMPLAINTS

Public Services Ombudsman Wales Act 2005 ('the Act') section 9 (3) sets out that the Ombudsman may only investigate a matter if it has first been brought to the attention of the listed authority and that it has been given a reasonable opportunity to investigate and respond to it. There is therefore no longer a requirement for the complainant to exhaust an authority's complaints procedure before approaching the Ombudsman. Furthermore, section (4) of the Act specifies that the Ombudsman may investigate a matter even if the requirements of section 9 (3) have not been met provided he is satisfied that it is reasonable for him to do so in the particular circumstances of the complaint.

The PSOW cannot investigate:

- Properly made decisions that the RSL has a right to make.
- The level of rent and service charges
- Personnel matters
- Most commercial or contractual matters
- Complaints that have a statutory or legal right of redress unless it is unreasonable to resort to such remedy.

Upon receipt of a new complaint, one of the Ombudsman's assessment officers independently assesses the complaint to determine whether it will be investigated by reference to his role and powers as set out in the Act. The Ombudsman cannot investigate every complaint that he receives and there are a number of legal restrictions on his investigative powers. The Ombudsman has a number of options available to him in order to resolve a complaint. If the Ombudsman does decide to start an investigation, whilst the complaint may take several months to reach a conclusion, the Ombudsman is keen to ensure that complaints are dealt with as expeditiously as possible by his officers for the benefit of all parties to the complaint.

9. ANONYMOUS COMPLAINTS

The Trust (and its agents) will expect all formal complaints to be made either in writing or in person with the name and address of the complainant recorded. However, in the event that a complaint is received anonymously the details shall be passed in all cases to the Chief Executive who will decide what action, if any, will be taken in respect of the complaint. The Chief Executive will consider the nature of the complaint and any evidence to suggest whether the complaint has substance, is a hoax or merely an attempt to discredit the Trust and/or its staff.

It will be the Chief Executives decision whether or not the complaint warrants further investigation or not.

In all cases, the Chief Executive will record the complaint for monitoring purposes

10. TENANT GROUPS/REPRESENTATIVES

Residents may, at any stage involve in the process tenant groups or representatives recognised by the Trust. In cases where the tenants group or representatives act in the simple capacity of passing a complaint on to the Trust, correspondence will be directly with the complainant.

Should the tenant(s) choose to involve a tenant group or representative in the complaint process we would ask that the Trust (or its agents) be advised of this and copied into any correspondence. This will allow the Trust (and its agents) to discuss the matter with the tenant group and/or representative and to ensure all parties are kept informed regarding progress in dealing with the complaint.

Recognised groups or representatives must adhere to the Complaints Procedure and follow the correct sequence of stages. Groups deliberately misusing or breaching the procedure will be considered to have breached their recognition conditions. And will be notified accordingly.

11. COMPLAINT PRIORITIES

It is the belief of the Trust and its staff, Agents and representatives that all complaints deserve to be dealt with fairly, and affording due respect to the complainant. However, the Trust has limited resources in terms of staff and time. As a consequence of those limits it is necessary to attempt to allocate some priority or urgency to complaints received to manage resources efficiently. Accordingly the following general priority will be applied if necessary:

Complaints dealing with matters of Health & Safety have the highest priority. Complaints regarding service delivery such as repairs and maintenance have second priority.

Complaints relating to misconduct of staff or reporting of events which constitute

a breach of policy or procedure have a third priority.
All other complaints.

12. RESPONSIBILITY

The Chief Executive, through the Corporate Services Department is responsible for the effective implementation of this policy. The Corporate Services Department is also responsible for ensuring that all staff involved are aware of the policy and procedures in relation to dealing with complaints received from Residents.

The Corporate Services Department will monitor the complaints process to include:

- the number of customer complaints about services by reason, type of customer and the outcome
- the number of customer complaints made about staff/contractors who fail to comply with the Trust's code of conduct (customer care code)
- the number of customers to whom compensation has been paid
- the value of compensation paid to customers and reasons for payment
- the number of court cases brought by customers against Newport Housing Trust (and its agents), by reason and outcome
- the number of customer complaints upheld by the PSOW
- the number and type of customer complaints not investigated/resolved within target times.

All of the above complaints will also be monitored to ensure compliance with the Trust's policy on equal opportunities.

An annual report will be produced detailing the results of the monitoring process. This report will be used by the Board of Directors as a basis for making appropriate changes to tackle persistent areas of complaint and to amend the complaints policy and procedure as required. In addition the Corporate Services Department will report quarterly to the Corporate Services Working Group on number of complaints outside policy timescales, reasons and actions taken.

13. DISPUTES

Where residents, tenant groups or vexatious complainants persistently refuse to follow the Complaints Procedure they are to be considered as in dispute with the Trust. Every attempt will be made by the Trust to continue to follow the Complaint Procedure.

However, in such circumstances the Chief Executive has the discretion to:

- Require residents to deal with the Trust in written form only.
- Restrict direct contact to named officers in some circumstances.

Where residents behave in a threatening or abusive manner to staff, agents staff or contractors directly or indirectly employed by the Trust this will be considered as gross misconduct. Where such behaviour constitutes a breach of tenancy it will be dealt with under the appropriate policy.

In other circumstances the Chief Executive will exercise discretion in implementing the following sanctions.

- Require residents to deal with all staff, Agents staff and directly or indirectly employed contractors in writing only.
- Ban residents from attending any office or premises of the Trust, its Agents and directly or indirectly employed contractors.
- Seek legal injunctions to enforce the above in appropriate circumstances.
- Instruct staff not to deal directly with residents in certain specified circumstances.

The tenants access to essential services such as Housing Management and Maintenance will be preserved by use of the telephone contact numbers. In special cases alternative contact arrangements will be made.

14. CONSULTATION

Newport Housing Trust will consult with all tenant groups and tenant forums recognised by the Trust on the effectiveness of this policy.

15. REVIEW

Newport Housing Trust will review progress on its complaints policy and procedure annually by means of a report to the Board of Directors.