

**Appendix 1:1:
Incommunities Application for the Complaint Handling Process**

Customer Complaint Received:

A complaint is a failure of service and not an initial request for service, it is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Incommunities' staff or contractors acting on our behalf, which affects a customer, group of customers or other stakeholders. *If the complainant is not eligible to approach the Housing Ombudsman Service, Incommunities may limit access through the complaint procedure, however the complaint will be investigated and receive an initial response. See other grounds for limiting access through procedure – Managing Unacceptable Actions or Behaviour, App 1.3. Seek advice if unclear.*

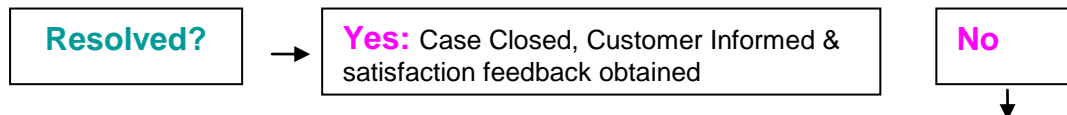
Local Resolution:

Definition: Is a new issue/complaint that has not been raised previously by the customer. **Complaints will only be considered within 6 months of the complainant becoming aware of the situation.**

Case Worker: The Complaint Management Officer (CMO) will appoint the officer with best knowledge & skills (Case Worker) to investigate the complaint

Process: The Case Worker will consider people involved, the setting and the issue before agreeing a set of actions with the customer for local resolution.

Timescale: Timescales will be agreed with the customer who will be kept informed of any delays.



Check:

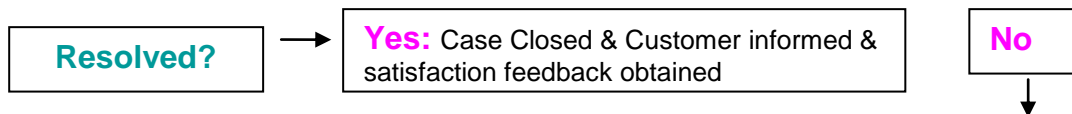
Action: The CMO and original Case Worker will make the decision of who is best placed to re-consider the complainants request for the 'Check' process.

Process: The CMO will support the original Case Worker to collate the evidence of their investigation showing an audit trail of their decision making of the complaint and pass to the new Case worker who will undertake a full review of all correspondence, related procedures and actions on the previous complaint and aim to agree a set of actions with the customer for resolution.

CHECK = **C**ritical friend, challenge – **H**istory of landlord/tenant relationship – **E**quality strands – **C**onsistency of application of policies and procedures – **K**ey notes for audit trail of decision making

Timescale: Timescales will be agreed with the customer who will be kept informed of any delays

A complaint will be re-considered within 6 month period of closing initial complaint or after 6 months where the complainant has become aware of new information or evidence.



Review

Please see Appendix 1.2 for the Procedure for conducting a review

Other Channels for Making a Complaint

Independent Housing Ombudsman: An appeal or complaint can be made to the Independent Housing Ombudsman Scheme 8 weeks after the Association has closed the case. The complainant may get approval to proceed immediately to the Ombudsman from a Designated Person which is a local Councillor or any MP or a recognised local tenant panel. The Ombudsman may seek early resolution by working with the Association and the complainant. The Association will co-operate fully with the Ombudsman and comply with any findings or recommendations made.

Home & Community Agency: A complaint can be made to the HCA where there is both a breach of standard and where serious detriment has occurred. Before going to the HCA, the Appellant may raise the matter with the Association and give the Association the opportunity to deal with the situation.

The Courts: If the Appellant considers that the Association is breaking the law, he/she may be able to take action in the courts.

For services delivered under contract such as Housing Access & Advice; Floating Support & Trust Care complainants may also approach **Adults & Housing Related Support:**

Complaints Manager, Commissioning Team, ^{5th} Floor, Britannia House, Bradford, BD1 1HX
Tel: 01274 434500, Email: commissioninginbox@bradford.gov.uk

Appendix 1.2:

Procedure for Conducting a Review by Panel of Members from the Community Trust Panel, other trained involved customer groups or the Housing Association Board

The Panel

- The Panel will consist of three members, but may be quorate with two.
- The Panel itself will then appoint a chair.
- No member who is directly involved in any way with the Appellant or matter under inquiry shall be appointed to the Panel.

Provision of Administration to the Review

Incommunities will provide the administrative services for the Inquiry, duties to include:

- Supervision of the overall running of the Review
- Minute taking
- Offering guidance on the scope and purpose of the Inquiry and advice on the Associations' Policies and Procedures.

Such services will be provided by the Performance Team, except for complaints relating specifically to that service.

Process:

- The Appellant will be notified of the date of the hearing within 15 working days of submitting the appeal.
- The Appellant can bring someone to the hearing for support, as long as they are not acting in a legal capacity.
- Personal circumstances will be taken into account when making arrangements for the venue.
- The Appellant will receive papers at least a week in advance of the hearing so that they have an opportunity to comment and send those comments to the panel before the meeting.
- Where appropriate, arrangements will be made for the panel to carry out a site visit, which will normally be immediately prior to the hearing or otherwise as agreed.
- Where the appellant requests a review then fails to engage, a decision will be taken on the most appropriate course of action:
 1. Full review with appellant not present
 2. Mini review (emailing papers to panel for comments)
 3. Close complaint pending further contact.

The appellant will be notified in writing of the decision taken.

The Hearing Procedure:

Cases coming before the Panel will involve private and personal information relating to the Appellant. All sessions of the Panel will therefore be held in private and the proceedings will be treated as confidential.

The Order:

1. the Appellant's case;
2. the Association's Case;
3. Closing Statements by: (i) the Appellant (or their representative)

The Chair may if he/she considers it appropriate, can invite the Association to go first at the appellant's request.

The Presence of Witnesses:

Any persons called to give evidence will be in attendance when required but do not need to be present throughout the hearing, unless the panel feel this is necessary.

After the Hearing:

- The panel to send their review recommendations to the service Assistant Chief Executive to challenge the panel decision or to accept within 2 working days. A letter will be sent to the Appellant within 10 working days. This should include clear statement of any offer to settle the complaint and how long this remains open. Also that this is the final response by Incommunities and should the Appellant remain dissatisfied, they may refer the matter to the Housing Ombudsman Service within 12 months.
- The Chief Executive will be informed of the decision of the Panel.
- The decision of the Panel will be reported at the next meeting of the Community Trust Panel and conclude Incommunities' Reviews and Complaint Procedures.