

Finsbury Park Housing Coop

Complaints and Mediation Policy and Procedure

30 April 2024

FINSBURY PARK HOUSING CO-OPERATIVE**COMPLAINTS AND MEDIATION POLICY AND PROCEDURE****1. MAKING A COMPLAINT**

A complaint can be made by any member of the Finsbury Park Housing Co-operative (FPHC), any applicant for membership of the FPHC, as well as other members of the public complaining about the Co-op or members of the Co-op. FPHC seeks to respond to complaints effectively and fairly.

The complaint can be made by yourself or by another person on your behalf

- by e-mail to the Complaints Team at: complaints1.fphc@gmail.com ;
- by letter to: The Complaints Team, FPHC, 12 Pine Grove, London N4 3LL, marked "Private and Confidential";
- by telephone: in order to request a face-to-face appointment with one of the Complaints Officers.

2. PROCEDURE**Stage 1: Initial Stage of the complaint:**

- 1.1 Receipt and logging of the complaint.
- 1.2 Initial response: acknowledgement of receipt of the complaint, stating the Complaints Team's understanding of the complaint, and, if known, the outcome the Complainant is hoping for (Timescale: 5-7 working days).
If the Complaints Team deems the complaint too serious and/or beyond the scope of the FPHC Complaints Procedure, they should recommend it be taken to an outside agency. The Complaints Team should communicate which aspects of the complaint they are and are not responsible for and clarify any areas where this is not clear.
- 1.3 A copy of the Complaints Procedure and Policy will be sent to all parties involved.
- 1.4 Arranging initial meeting with Complainant - or the person acting on their behalf. (Timescale: ideally within 10 working days of the complaint being acknowledged).
- 1.5 Arranging initial meeting with the Respondent and/or other parties involved (Timescale: ideally 10 working days).

- 1.6 Informal summary of points will be taken, to be agreed at the time with those present at each meeting.
- 1.7 Collection of evidence for example photographs, a log of instances of noise disturbances, etc.
- 1.8 Mediation and review (see 6. MEDIATION).
- 1.9 Suggested solution.

Note: Timescales are an approximation and may need to be extended in case several meetings should be needed, and the Team will agree with the Complainant to keep them informed on a regular basis. (The Ombudsman says an extension shouldn't be beyond an additional 10 days unless there is good reason.) Complainants will be informed of their right to go to the Ombudsman.

FPHC's Complaints Team will communicate in writing with the Complainant and the Respondent before a possible solution/decision/recommendation is made. The parties can respond to the suggested solution and/or recommendation within a reasonable time (the Housing Ombudsman suggests 30 working days).

The Complaints Team will confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:

- a) the complaint stage;
- b) the nature of the complaint;
- c) the decision on the complaint or suggested solution;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right or details of any outstanding actions; and
- f) details of how the Complainant can take the matter to Stage 2 if the individual is not satisfied with the response

If the Complainant is satisfied with the outcome, the Complaints Team will log the Complaint as closed and will inform other parties involved of the closure.

Where the Complainant raises an additional complaint relevant to the investigation, this should be incorporated into the response if the response has not yet been issued. Where the response has been issued, or the new issues are unrelated, or it would reasonably delay the response, the complaint should be logged as a new complaint.

Any information or conversation at this stage will be confidential. For more information about confidentiality, see 7. CONFIDENTIALITY.

If the complaint cannot be accepted, an explanation will be provided to the Complainant setting out the reasons why the matter is not suitable for the FPHC complaints process and the right to take that decision to the Ombudsman. See 9. SPECIAL CASES AND EXCEPTIONS.

Stage 2: Lack of Resolution and Appeal

In the case of no satisfactory resolution, the Complaints Team will advise the Complainant that they can choose to take the matter further. (The Complaints Team will not refuse a complaint to be taken to Stage 2 unless there are valid reasons, which must be clearly set out.)

Requests for stage 2 must be acknowledged, defined and logged within five working days of the escalation request being received. The Complainant must inform the Complaints Team which of the three options they would like to pursue:

- **Option one:**
the complaint can be taken **directly to the Management Committee** (in this case, confidentiality can no longer be maintained);
- **Option two:** a **Panel of two Co-op members and one independent person** from outside the Co-op.
- **Option three:** a **Panel of one Co-op member and two independent people** from outside the Co-op.

The Complaints Team will then inform the Management Committee, who will convene a **Complaints Panel**. **To ensure that there is no conflict of interest and confidentiality is maintained, the Complaints Team will be of assistance.**

(Any member of the Management Committee named in the complaint may give evidence supporting their case but will otherwise not be involved in decision-making processes.)

Volunteers will be invited from the entire membership to join the Panel.

Once the Panel has been convened, the process of handing over the documentation relating to the complaint will be overseen by the Complaints Team.

The Panel will speak to all parties involved in the complaint, review all evidence and produce a written report. For further explanation of this part of the procedure, see below PANEL REMIT.

The written report will be handed to the Complaints Team, who will share it with both parties. If the report of the panel is satisfactory to both parties, confidentiality will be maintained. The Complaints Team will then log the complaint as solved and inform the MC of the Panel's recommendations. These recommendations will not be unreasonably rejected by the MC.

The recommended timescale for this process at Stage 2 is 20 working days from acknowledgement of stage 2. If more time is needed, it should be no more than 20 working days without good reason, and reasons must be clearly explained and communicated to the Complainant.

Panel Remit

1. To read all the records from Stage 1.
2. To take submissions from the Complainant (and Respondents if there are any). These submissions can only relate to the original complaint. The Panel will attempt to work towards mediation with the Complainant.
3. The Panel will write a report that will either uphold the original complaint, partially uphold the original complaint, or reject the original complaint.

Note: The report needs to be clear and concise and contain all the particular references and where located specifically in the evidence. The Panel may wish to recommend in a separate part of the document general suggestions for FPHC in matters of procedure, conduct or culture.

Should any party involved think that the Panel did not follow the remit, abused process or exercised discrimination of any kind, then evidence should be brought to the Complaints Team, which may decide to convene a new Panel and will inform the MC.

The Team will confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:

- a) the complaint stage;
- b) the nature of the complaint;
- c) the decision on the complaint or suggested solution;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right or details of any outstanding actions; and
- f) details of how the Complainant can take the matter to the Ombudsman Service if the individual remains dissatisfied

3. OPTION TO APPEAL TO THE HOUSING OMBUDSMAN

Having received the outcome of the complaint, where either party does not agree with the result, the Complainant or the Respondent can take the matter to the Housing Ombudsman.

However, it is important to note that the Ombudsman will only consider certain types of complaint.

- “The Housing Ombudsman will only consider Management or Service complaints. However, it is important to note that Anti-Social Behaviour or Neighbour Dispute complaints may become Management or Service complaints if complainants perceive that the Co-op has not handled them as they should do. This would then mean that a member can raise possible mishandling or lack of handling of an Anti-Social Behaviour issue or Neighbour Dispute with the Housing Ombudsman.” (CCH 2020)

The Housing Ombudsman, Exchange Tower, Harbour Exchange Square, London E14 9GE. Tel.: 0300 111 3000; e-mail: info@housing-ombudsman.org.uk; website: www.housing-ombudsman.org.uk .

4. HELP WITH MAKING A COMPLAINT

A complainant may authorise another person or agency to act on their behalf.

FPHC must consider its duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments for residents who may need access to the complaints procedure.

If help is needed to understand the complaints procedure, the following will be available at the FPHC's cost: A copy of the FPHC Complaints and Mediation Policy and Procedure in Braille or a translation into the Complainant's or Respondent's native language if requested.

A translator or interpreter (including sign language) may be engaged for the mediation procedure.

5. DEFINITION OF A COMPLAINT

The Housing Ombudsman has defined a complaint as:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the co-op, or those acting on its behalf, affecting an individual member or group of members.

A complaint, whether justified or not, may be about something that the co-op 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 that they have been discriminated against in the provision of a service.”

The Ombudsman names four types of complaints:

- 1) **Anti-Social Behaviour Issues** - Issues raised by a member (or someone else) that a member or their visitors are behaving in an anti-social fashion. (See FPHC Anti-Social Behaviour Policy on the FPHC website.)
- 2) **Neighbour Disputes** - complaints made by members about their neighbours, who are also co-op members.
- 3) **Management or service complaints** - complaints where a service has not been provided or has been poorly provided.
- 4) **Governance complaints** - complaints about how a member has behaved in governance roles in the co-op.

Sometimes, complaints made overlap across several of these types.

A complaint is not the same as a service request; a complaint can be raised when a resident expresses dissatisfaction with the response to a service request. Whenever a resident expresses dissatisfaction, FPHC must give them the choice to make a complaint.

There may, however, be some complaints that cannot be dealt with under the FPHC Complaints and Mediation Policy and Procedure. Please see 9. SPECIAL CASES AND EXCEPTIONS.

6. MEDIATION

Mediation is an “intervention in a dispute in order to resolve it; arbitration”. Mediation offers a neutral and confidential platform where any party involved can be heard and understood (empathetic communication), while at the same time the complaint officers try to guide the conversation towards the specific issues of the complaint. Mediation encourages parties which are involved in a complaint to find somehow their own ways to resolve the issue(s) seeking a satisfactory outcome, rather than be told what to do or not to do. Mediation opens up a conversation so, directly or indirectly, good things can come out from it.

Mediation should be attempted by the Complaints and Mediation Team in the first instance. Mediation can be applied to help to resolve some forms of complaints (e.g. neighbour disputes and some anti-social behaviour cases). However if the Complaints and Mediation Team either have exhausted all steps and come to the conclusion that a complaint falls beyond their remit or expertise or think that the substance of the complaint has legal implications or the prospects of satisfactory outcome are judged to be too remote, then they will notify the Complainant and Respondent as well as the FPHC’s Management Committee.

If the Complaints and Mediation Team consider that outside mediation might help to resolve the complaint, they will seek advice that is relevant to the issue from a service, specialist or agency, to which they can refer the Complainant. If outside mediation is needed to resolve a complaint, FPHC will meet any service costs incurred.

See 9. SPECIAL CASES AND EXCEPTIONS for specific issues.

7. CONFIDENTIALITY

- FPHC recognises that your personal data is very important to you. The Complaints Team, acting voluntarily on behalf of FPHC, are committed to keep personal information safe, and using it only when it is relevant to do so and always with your consent in order to resolve your complaint.

- FPHC maintains complaints records electronically. Personal identifiable information is recorded and it is used with the sole purpose of investigating/mediating and resolving a complaint. This is stored and processed by FPHC in accordance with the General Data Protection Regulations (GDPR).
- The Complaints Team may share your personal information only if:
 - other co-op members are needed to get involved or to resolve a complaint;
 - the Complainant has taken the complaint to an Independent Panel and/or to the Management Committee;
 - the intervention of the Housing Ombudsman is required to act;
 - it has been required by law and other official bodies.
- The Complaints Team will report monthly to the Management Committee. Such information will exclude any personal identifiable information to preserve the confidentiality of those involved.

8. OBJECTIVES AND PRINCIPLES

- To provide accessible ways for any co-op members, membership applicants; and others to register a complaint;
- To provide a fair and easy-to-follow complaints procedure, ensuring inclusion;
- To ensure that all members of the FPHC or anybody else who make a complaint are dealt with in a fair and objective manner;
- FPHC is making every effort to have an impartial position;
- To reach a peaceful, prompt and informal settlement as the priority of all parties;
- To fully respect the confidentiality of all parties involved in a complaint;
- To co-operate with the Housing Ombudsman if a satisfactory resolution cannot be reached within the FPHC.

9. SPECIAL CASES AND EXCEPTIONS

The following would not usually be considered through the Co-op's Complaints and Mediation procedure unless there are valid reasons to consider them:

- Request for a particular service (e.g. a complaint about a repair or something else that has not yet been requested);
- The issue giving rise to the complaint occurred over twelve months previously (discretion can be used to consider accepting complaints outside of this time limit);
- New issues that arise during a complaints investigation unless they are directly relevant to the complaint under investigation;
- Anonymous letters;
- Matters that have already been considered under the Complaints Policy;
- Issues for which legal proceedings have started or particulars of the claim have been filed for court;
- Issues deemed too serious to be dealt with by volunteers within the Co-op, for example when response from the police or other institutions are deemed more appropriate.

In exceptional circumstances, it may be more appropriate to engage a mediation agency from outside the Co-op to resolve a complaint independently.

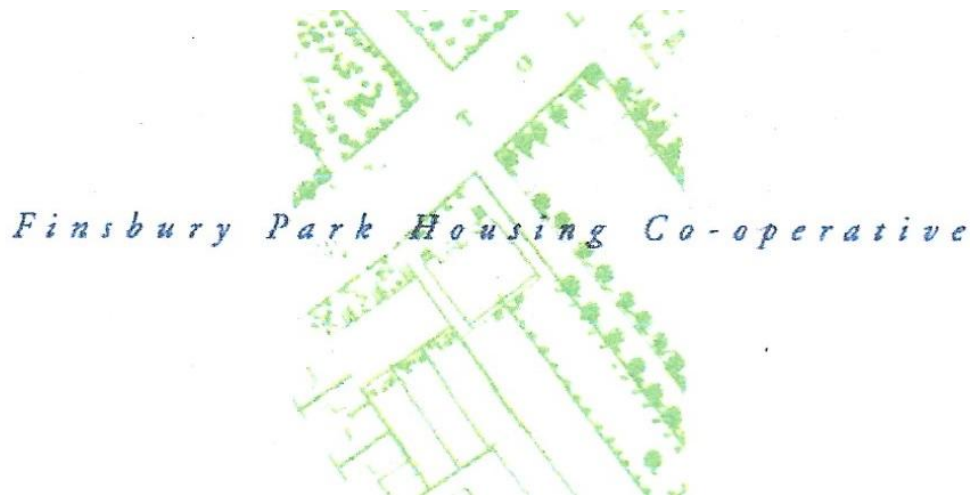
If a complaint cannot be considered within the scope of the FPHC Complaints and Mediation Policy and Procedure, the Complainant will be provided with an explanation or evidence setting out the reasons why the matter is not suitable for the Co-op's complaints process and the right to take the decision to the Ombudsman.

10. REVIEW

FPHC is committed to improve and review its Complaints and Mediation Policy and Procedure annually with a performance and service improvement report, and keep it updated as required according to legal regulations.

FPHC is fully committed to seeking appropriate training for volunteers.

This FPHC Complaints and Mediation Policy and Procedure (Version 5) was updated and aligned with the Housing Ombudsman's Complaint Handling Code 2024 (applicable from 1st April 2024) in March 2024. It was ratified at the FPHC SGM on 30th April 2024.



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