

Neighbour/Anti-social complaints procedure (HM PROC 35)
November 2019

1. If a resident wishes to make a formal complaint against an individual, they should be advised of the procedure. Complaints can be in the form of an email or a letter written during an interview as well as a standard letter received through the mail or verbal over the telephone. Residents should be discouraged from making anonymous or petition style complaints. Likewise if a complaint can be dealt with at the time through advice and assistance this approach should be taken. The HA should take a common sense approach as the involvement of the Association may make matters worse in some cases.
2. All complaints received must go through the Association's mail system. It is the responsibility of the staff member receiving the complaint to ensure this happens.
3. On receipt of the complaint through the mail system the Housing Officer (HO) will firstly mark up the complaint on the kypera complaints module. The completion and target dates will be put in the user defined fields.
4. The HO should note on the pro-forma the category (A, B or C) and the reference number from the complaints module. The completion target dates should also be written on the pro-forma. The HO will note on the complaint cover sheet the action required by the HA to investigate the complaint.
5. The HO should then pass the complaint to the Clerical Officer (CO) with a note for an acknowledgement to be sent, and the appropriate Housing Assistant's name.
6. The CO should send the standard acknowledgement letter from Kypera and then pass the file to the appropriate HA for investigation/action.
7. On receipt the HA should mark in their diary suitable dates for investigation, action, and conclusion. The complaint should then be investigated and dealt with in line with the target dates laid out in the Anti-Social Behaviour Policy (HM Proc 16) and progress marked up in the complaints module. Visits should be a last resort with tenants being interviewed by telephone or letter where possible.
8. During the lifespan of the complaint it is essential that as far as possible that details of 'who complained against who' are not divulged by the Association to individual tenants. We are however not able to control

- hearsay or the opinions of tenants themselves. In short the anonymity of the complainer should be respected.
9. The HA should diarise on a weekly basis to telephone the complainer to keep them up to date with our investigation, this is particularly important in more serious and lengthy cases. All updates must be documented and kept in the complaint file and noted on the complaints module.
 10. The HA & HO should meet and discuss prior to any interview or telephone call with the accused tenant the course of action and whether or not a warning should be issued. Advice should be sought from the Head of Housing Services if required at this stage.
 11. The majority of warning can be given by the HO by telephone. The HO will do a written record of the telephone conversation which will be kept on file.
 12. If an interview is required for warnings the HO & HA should be present, with the HO conducting the interview and the HA taking notes. The HO should send out appropriate letters using the standard Kypera letters to all parties involved then pass the paperwork to the HA. Warning letters should be issued via email where an email address is available for the tenant.
 13. It is important that by the conclusion date all appropriate letters have been sent out. The HA should also ensure at this stage that all sections of the complaints module are completed, in particular the investigation findings and the dates and types of letters sent and all used defined fields are complete.
 14. When concluded the HA should file the complaint away in the house file. It should be referred to should a further complaint be received within a six week period as this may be directly related to the original complaint.

General protocol for investigating complaints:

If the person being visited is not in, a calling card should be left asking for contact within 24 hours. If this is the person being complained about and they fail to contact within the timescale a letter should be sent with an appointment to attend the office for interview. The date and time should be as soon as possible to avoid the complaint going out of timescale.

In order to substantiate a complaint the more independent confirmation obtained the better. All circumstances must be taken into account before a warning is given, e.g. was it a one off incident, is it likely to happen again, how serious was the incident etc. In some cases drawing attention to the problem may be enough. All involvement of Police or partner agencies must be recorded and reports requested at the initial stage.

The Housing Assistant for the area is responsible for collating all information on the complaint and ensuring timescales as laid out in the policy are adhered to. It is essential that on receipt of the complaint initially that timescales are put in the HA's diary and adhered to.

In most cases we must bring to the attention of the person being complained about that a complaint was received, however if unsubstantiated and by bringing to their attention distress or other problems may be caused then it is not appropriate to do so. Clarification from the **Head of Housing Services** should be sought in all cases where required.

The importance of correct advice and assistance must also be remembered. Often this can resolve a complaint at an early stage. Maximum use of partner agencies must also take place, e.g. noise team, ASIST, Police, Mediation team, Environmental health, addiction services etc. Even if a warning is necessary this should be viewed as a positive thing in that it offers the offender a chance to declare any underlying issues and engage in support. This in turn can help the offender turn things around.

Thorough investigation is crucial to successfully resolving any complaint. The HA should ensure that all avenues are pursued, especially third party information. Surrounding neighbours (as wide a field as possible) should be telephoned in the first instance to see if they have experienced any issues. If no contact is possible by telephone then a letter or a visit should happen. There is a

heavy burden of proof on the Association to prove a complaint and it must be remembered that a case could end up at court and we will be required to demonstrate that we have done as much as possible.

If the person being complained about fails to attend interview as required, and then a second interview letter should be sent at the time of the missed appointment. If a further interview is missed and there is enough evidence to substantiate the complaint then a warning letter should be sent within 48 hours of the failed interview. Where the case is not substantiated an outcome letter should be sent. Letters must refer to the missed appointments and highlight the missed opportunity for the tenant to put their point of view across.

All interviews where a warning is to be given should be attended where possible by the Housing Assistant dealing with the complaint and the Housing Officer. Notes should be taken by the HA on the pro forma and the complaint covered by the HO.

All warning letters should be sent out by the HO within 48 hours of the warning interview, or sooner if the timescale of the complaint dictates this.

All outcome letters to those making the complaint should be sent out by the HO within 48 hours of the interview irrespective of whether a warning is given or not.

Complaints should not be taken where the complainer cannot identify whoever is responsible. Complaints should only come from individuals, not groups, neighbours or collectives. If the matter can be dealt with under another function, e.g. estate management, then this should happen.

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