

COMPLAINTS POLICY AND PROCEDURE

Revised at General meeting Sunday 25th 2012

When an official complaint is made to the Co-op Office – (email or hard copy) - all parties shall be given a copy of the Complaints Policy and Procedure, a copy of the complaint and an acknowledgement of receipt. The email or written document must be headed 'Formal Complaint'. The official Co-op E-mail address is – info@abeona.org and the office is at 30 Fleet Road, NW3 2QS.

The Tenants Guarantee states that co-ops should have procedures to deal with:

- Complaints by tenants
- Complaints about nuisance caused by other tenants
- Harassment
- Discrimination

Principles of the Complaints Procedure

- To enable co-op members and office worker(s) to complain if they feel that they have been discriminated against or unfairly treated, or that there has been a breach of the Co-op's Equal Opportunities or other policies.
- To ensure a fair hearing to all parties
- To ensure confidentiality
- To achieve a speedy and sensitive resolution of the problem within a limited timescale as set in the policies
- To ensure that decisions taken to resolve disputes are not in breach of co-op policies
- To allow the right of appeal

The following disputes are covered by the Complaints Procedure

1. Between co-op members
2. Between a member(s) and the co-op
3. Between the co-op and a member(s)
4. Between the co-op and office worker(s)
5. Between an office worker(s) and a member of the co-op.
6. Between the co-op and any other person connected with the co-op

1. Complaints between co-op members

Informal resolution

The co-op expects that members will make every effort to resolve disputes which occur. However, if patience, tolerance and willingness to talk problems through are not enough then the individual member may complain formally to the co-op about their dispute.

Step 1A. Formal Complaint

Members have 3 months from the date of a decision or an incident in which to make a complaint. All complaints should be by ~~in~~ email or hard copy, headed 'Formal Complaint' and be either from the member or a person acting for them and addressed to info@abeona.org or delivered to the Office at 30 Fleet Road. The Co-op's office will acknowledge the receipt of the complaint and send out a copy of the complaints procedure.

The complaint should detail the problem and the steps that have been already been taken by the member(s) to resolve the problem.

When the complaint is received at the co-op office, the Management Committee members will be given notice of the complaint and the complaint will be scheduled for discussion at the next Management Committee meeting.

Should the next MC meeting not be scheduled within 31 days, an Emergency Management Committee meeting will be required. E.g. August Holiday break.

1B. Appointment of arbiters

The formal letter of complaint will be read at the first Management Committee meeting scheduled after the complaint is received. The Management Committee may consider various options to resolve the dispute and if necessary appoint three arbiters, one of whom must be a member of the management committee. The arbiters will be conversant with the Complaints Procedure. The arbiters must be acceptable to both the parties in dispute and the management committee. The arbiters will be appointed within

14 days of the Management Committee meeting where the Formal Complaint was discussed for the first time. The complainent(s) and complaine(s) will be provided with a time-line for action and all relevant information.

1C. Investigating the complaint

The investigation should be speedy and confidential. The arbiters will acknowledge the receipt of the complaint from the aggrieved party and write to the person(s) against whom the complaint is made informing them of the grievance against them. The parties will also be notified of a meeting to hear the complaint. This meeting will be set up within 7 days of the appointment of arbiters. The meeting will take place either in the co-op office or a venue agreed by the parties and official set of confidential minutes will be taken.

Either party may decide they wish to make their case in the absence of the other party, and each party may be accompanied by a person of their choice. A full and accurate record should be made of the evidence presented by both parties and kept safely in the co-op office. In the course of the investigation the arbiters may consider other sources of information and may interview anyone else that is relevant to the investigation. The evidence can be made available to all parties in the dispute but is otherwise confidential. All discussions between the parties and the arbiters will always be confidential.

1D. Decision by the Management Committee

After the panel has completed its investigations they will write a report with recommendations. These recommendations will be part of the Co-op's public record. A copy of the report will be sent the parties to the dispute. A member of the Panel will present the report to the next Management Committee and be available for further discussions. The MC will agree on a course of action.

The parties to the dispute will be informed in writing within 7 days of the Management Committee's decision.

1E. Appeal against the decision of the Management Committee

Good arbitration requires time, energy and skill and these are, like other resources in the co-op, limited. The Management Committee cannot guarantee instant or long term perfect

solutions that will satisfy everyone. If the parties to the dispute disagree with the decision of the Management Committee they have the right to appeal.

Appeals can only be considered on the basis of new information, or evidence that the proper procedure has not been followed and the evidence must be included with the appeal documents.

Appeals should be made by email or hard copy to the Chair(s) of the Management Committee and sent to the co-op office or to info@abeona.org at 30 Fleet Road NW3 2QS. The appeal should clearly state the reasons for the appeal and must be made within 7 days of receipt of the written decision of the Management Committee.

The Chair(s) will convene an Appeals Panel within 14 days of the receipt of the appeal. It will consist of a member of the original panel of arbiters and two members who were not on the original panel.

The panel may co-opt expertise from outside agencies or consultants with appropriate knowledge to deal with the particular issue.

Both parties to the dispute have the right to veto the panel members provided that there is one member of the original panel on the new panel.

The Appeals Panel will observe the same processes as the Arbitration Panel and make recommendations as to the validity of the Appeal.

The MC will then review the Appeals Panel's findings and make a determination.

The member(s) will be advised of the Management Committee's decision within 7 days.

If one or both parties to the dispute feel that the Management Committee has not resolved the dispute satisfactorily, they may;

1. Contact the Housing Ombudsman Service. The Ombudsman will only investigate your complaint after it has been through all the stages of the Co-op's internal complaints procedure.
2. Take the complaint to a General Meeting: Every member has the right to call a General Meeting in accordance with the Co-op's Rules where they can put

their case to the Membership. The MC will assist the member(s) in calling such a meeting.

3. Take action under Rule 40 of the Co-op's Rules. The outcome is determined by the County Court or an arbitrator appointed by the National Federation of Housing. The decision of the arbiter is binding and without appeal. Costs of arbitration are borne as directed by the arbiter. Any member taking a complaint to arbitration must be aware of their potential liability for costs.
4. A tenant member can make a complaint to the Homes Communities Agency(HCA) once the Co-op's internal complaints procedure has been exhausted.

2. Complaint by a member (s) against the Co-op

If a member or group of members wish to make a complaint against the Co-op the Complaints Procedure can be used. If you are dissatisfied with the outcome you may put your case to the membership by calling a Special General Meeting under Rule 20. The MC will assist the member(s) in calling such a meeting.

3. Complaint against a tenant(s) by the Co-op

Conditions of tenancy are stated in the Tenancy Agreement. Conditions of membership are stated in the Membership Policy and the Rules. Where a complaint relates to specific breaches of the Tenancy Agreement, Membership Policy or Rules a written warning will be sent to the member. A warning may be followed up by legal action if necessary.

4. Complaint against a office worker by the Co-op.

If the Co-op has a complaint against an office worker the complaint will be addressed using the Grievance and Disciplinary Procedure which forms part of the Contract of Employment.

If a member has a complaint against an office worker they should put the complaint in writing to the Management Committee. The MC will decide whether the complaint will be

addressed as a disciplinary matter or under the Complaints Policy and Procedure. It will not be a disciplinary matter if the office worker was carrying out Co-op policy or an instruction of the Management Committee.

5. Complaint against a member of the co-op by an office worker.

An office worker has the right to use the Grievance Procedure against a member of the co-op as laid out in the Procedure which forms part of the Contract of Employment.

6. Complaint between the co-op and any other person connected with the co-op

The co-op can take action against another person or party only where the complaint relates to a contractual agreement.

Complaints and Co-op Policies

Membership selection:

The method of appeal against a decision of the Membership selection Committee is written into the Membership Allocations Policy

Repairs and Maintenance:

The procedure for complaints is written into the Repairs and Maintenance policy. If the complaint is against a contractor and it is upheld the contractor could be removed from the Co-op's approved list of contractors.

Harassment:

The method of resolving a complaint of harassment is laid out in a separate policy on harassment.