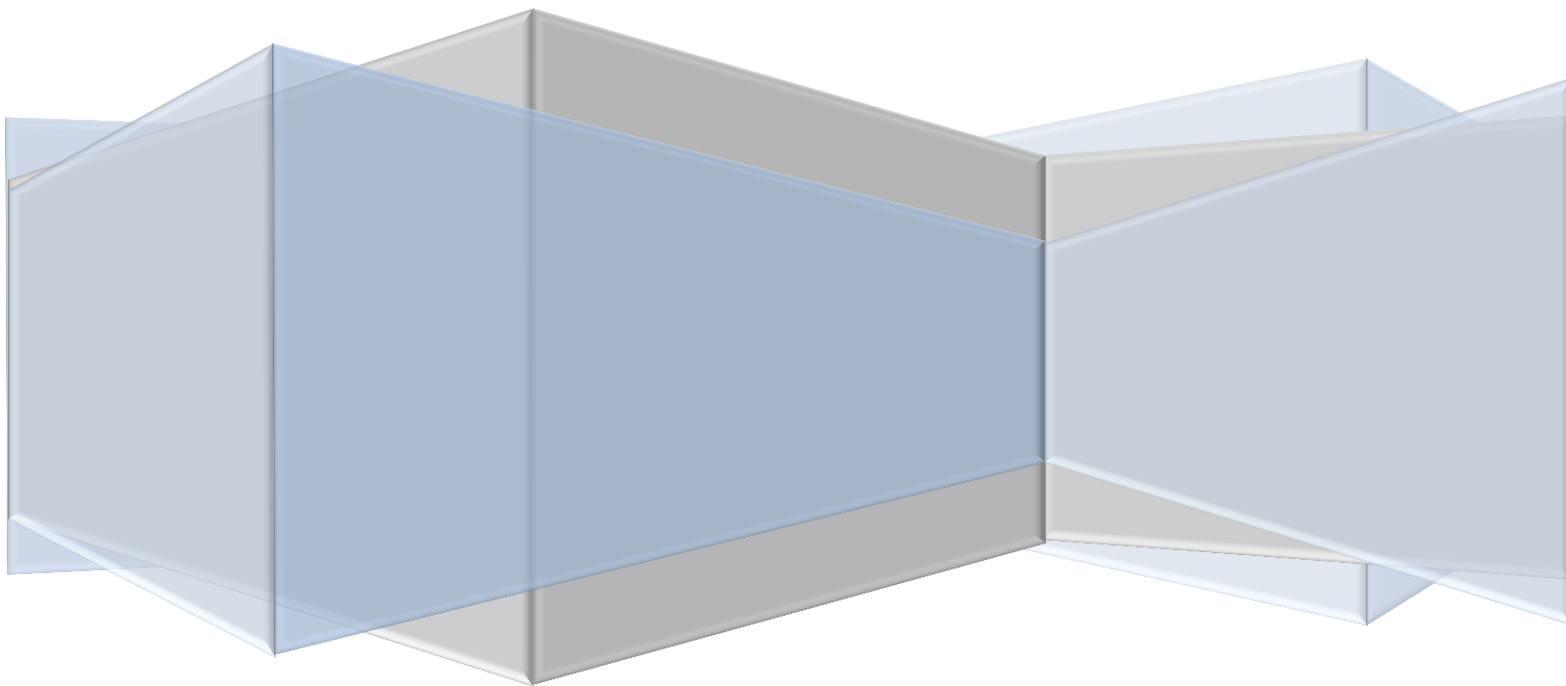




Complaints Policy

December 2019



All Policies are available on tape, in braille and in translation in to most languages. Please ask a member of staff if you would like this policy in a different format

Date of Policy Review: December 2019
Date of Committee Approval: 17 December 2019
Date of Next Review: December 2022

SCOTTISH HOUSING REGULATOR STANDARDS	<p>STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p>STANDARD 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p>STANDARD 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose.</p> <p>STANDARD 5: The RSL conducts its affairs with honesty and integrity.</p> <p>STANDARD 6: The governing body and senior officers have the skills and knowledge they need to be effective.</p>
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1. Introduction

Cathcart & District Housing Association Ltd (CDHA) is committed to providing high quality services to customers. However, there may be occasions when customers are dissatisfied with the level or type of service they have received and wish to make a complaint.

We will actively encourage complaints, comments and compliments. We will use them as an opportunity to learn about our strengths and about areas requiring improvement (which may be policy, procedure, behaviour or outcomes), to inform and improve the services we deliver. Some examples of what you might find cause to complain about:

- if a repair has not been carried out properly;
- if you have not received information you asked for;
- if you feel a member of staff, a committee member or a contractor has not provided an efficient and courteous service;
- if you feel your housing application has not been handled properly.
- If you feel you have been treated unfairly or have been discriminated against.
- If there is a problem with any of our services
- If we have failed to meet our obligations to you under your tenancy agreement

The Association handles all complaints under the Scottish Public Services Ombudsman's (SPSO's) Model Registered Social Landlord ("RSL") Complaints Handling Procedure ("the Model").

Complaints against neighbours will be dealt with under our Neighbour Relations Policy.

A complaint can be received from anyone who feels they are dissatisfied with the service they have received from the Association. Only tenants, sharing owners and housing applicants of CDHA can refer their complaint to the Independent Housing Ombudsman Service after concluding Stage 2 of the procedure. Owners who receive a factoring service from us have a separate course of redress through the First-tier Tribunal for Scotland (Housing and Property Chamber). Further details are in Section 5.

We will treat all complaints confidentially and in line with our Equality and Diversity Policy and will deal with all complainants in a polite and helpful manner.

We will give customers clear information on how they can make a complaint and may suggest contacting someone independent to assist them in making their complaint. Where required we will provide translation and interpretation services to enable tenants to access this procedure. We will inform customers of other steps that they can take if they remain dissatisfied.

CDHA will operate a clear and open Complaints Policy. Complaints will be managed within set timescales, ensuring complaints are fully investigated and the person making the complaint receives a reply within a specified period of time.

There will be two stages to the complaints procedure:

2. Stage One: Frontline Resolution

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

If we can't resolve your complaint at this stage, we will explain why. If you are still dissatisfied you can ask for your complaint to be investigated further through stage 2. You may choose to do this immediately or some time after you get our initial response. We can help you with making this request.

3. Stage Two: Investigation

Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation. These types of complaints can again be made directly to the service concerned, the Director or the Management Committee.

When using stage 2 we will:

acknowledge receipt of your complaint within three working days

discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for

give you a full response to the complaint as soon as possible and within 20 working days.

If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

4. What if I'm still dissatisfied?

After we have fully investigated, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO cannot normally look at:

- a complaint that has not completed our complaints procedure (so please make sure it has done so before contacting the SPSO)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

You can contact the SPSO:

In Person: Scottish Public Services Ombudsman, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS
By Post SPSO Freepost SPSO (No Stamp is required)
Freephone: 0800 377 7330
Online: <https://www.spso.org.uk>

5. Complaints about factoring

The SPSO does not normally look at complaints about our factoring services.

The First-tier Tribunal for Scotland (Housing and Property Chamber) will try to resolve complaints and disputes between home owners and property factors.

After we have fully investigated and given you a final response to your complaint, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the First-tier Tribunal for Scotland (Housing and Property Chamber) to consider it.

Before considering a complaint, the First-tier Tribunal for Scotland (Housing and Property Chamber) will expect you to advise them that we have refused to resolve your concerns, or have unreasonably delayed attempting to resolve them.

They will also expect you to have notified us in writing why you consider we have failed to carry out our duties.

For more details contact:

In Person or By Post: Housing and Property Chamber First-tier Tribunal for Scotland, Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT

Telephone: 0141 302 5900

Email: HPCAdmin@scotcourtribunals.gov.uk

Online: <https://www.housingandpropertychamber.scot>

For further information please refer to our Factoring Complaints Policy.

6. Reporting a Significant Performance Failure to the Scottish Housing Regulator

The Scottish Housing Regulator (SHR) can consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systemic problem that does, or could, affect all of a landlord's tenants. If you are affected by a problem like this, you should first report it to us. If you have told us about it but we have not resolved it, you can report it directly to the SHR.

A complaint between an individual tenant and a landlord is not a significant performance failure. Significant performance failures are not, therefore, dealt with through this complaints handling procedure. You can ask us for more information about significant performance failures. The SHR also has more information on their website:

www.housingregulator.gov.scot

We understand that you may be unable, or reluctant, to make a complaint yourself.

7. Monitoring, reporting and learning from complaints

Complaints give us valuable information we can use to improve customer satisfaction.

Our complaints handling procedure enables us to address a customer's dissatisfaction and will help to prevent the same problems that led to the complaint from happening again.

For our staff, complaints provide a first-hand account of the service user's views and experience, and can highlight problems we may otherwise miss.

Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

The detail of complaints are analysed for trend information to ensure we identify any service failures and take appropriate action as soon as possible.

We report on complaints performance as follows:

- Committee meetings – Quarterly performance and analysis
- Publish on our websites statistical data and analysis of complaints
- Publish in our newsletters and on our website what actions we are taking as a direct result of our complaints

In addition, we also report our performance in handling complaints to the Scottish Housing Regulator through the Annual Return on the Charter (ARC).

This includes performance information showing the volume of complaints and key performance details, for example the time taken to resolve complaints at each stage in the procedure. This information is publically available via the SHR's website (website details above).

8. Regulatory and legislative requirements

We adopt and regularly review best practice in the effective management of complaints and ensure our complaints handling procedure complies with legislative requirements.

We recognise our duty to comply with the Scottish Public Services Ombudsman (SPSO) model complaint handling procedures as outlined in the SPSO Act 2002.

This policy and attached procedures also complies with the Scottish Social Housing Charter outcomes and the Scottish Housing Regulator's Regulatory requirements.

9. Equality Issues

In accordance with our commitment to equality and diversity, we shall:

- Ensure information about our complaints handling procedure is easily and widely available. This will include using our various publications to make tenants and customers aware of their right to complain. Leaflets and other relevant information will be displayed and freely available in our office reception area and on our website.
- Treat all complainants fairly, respectfully and as individuals and, as far as practicably possible, accommodate any specific needs they may have.
- Support and assist any customer who wishes to make a complaint. This will include for example:
 - Explaining our procedure and its application
 - Providing on request, our procedure in formats or languages other than written English
 - Providing other practical assistance, such as help with scribing

10. Redress Policy

We acknowledge the role of complaints in providing customers with a form of redress, where we fail to meet their expectations. We note the SPSO guidance on redress, which advises service providers to, where possible, seek to re-instate an individual to the position they were in prior to the event which is the subject of the complaint.

This can include compensating for direct financial loss. In such cases we shall make an informed judgement of the level of financial hardship resulting from the event, and experienced by the complainant in making and pursuing their complaint. Where a customer appears to have unrealistic expectations or submits a claim that we consider unreasonable, we may ask them to provide some form of substantiating evidence.

We note that redress can similarly involve providing an explanation and genuine apology through personal contact; and that often a person making a complaint seeks this rather than a financial payment.

11. Policy Review

We will review this policy every three years. More regular reviews will be considered where, for example, there is a need to respond to new legislation/policy guidance issued by the SPSO in particular.

Appendix 1

Service Standards

The service standards detailed below describe the levels of service customers should expect to receive.

We will:

- Encourage complaints, compliments and comments, to learn about what we are doing well and where we can improve. We will do this by:
- publicising contact points for customers who need advice on how to make a complaint.
- Making available complaints leaflets and forms (including Ombudsman's leaflets) at our offices.
- Try to resolve any issue causing dissatisfaction as soon as it is brought to our attention. If customers remain dissatisfied we will treat the problem as a complaint.
- Accept complaints made by telephone, or in person (in which case it will be written down), in writing, by e-mail, fax, via our website and in any language.
- Acknowledge complaints within 3 working days
- Where possible provide a full response to complaints, at stages 1 and 2 of the complaints procedure, within 5 working days of receiving the complaint.
- Where this is not possible, e.g. because further investigation is required or because of key staff absences, we will write and notify customers of this indicating when a full response can be expected.
- The Association will not consider requests to move the complaint to the next stage in the procedure that are received more than 10 calendar days after the response to the previous stage.
- Give the name of the person dealing with each stage in the complaint
- Provide assistance to make a complaint if necessary.
- Offer interpreting services if required
- Investigate complaints fully and fairly
- Offer advice on other independent agencies who may be able to help
- Report and publish information about complaints we have received
- Make available copies of the Association's Complaints Policy on request

Appendix 2

Procedure

1 Purpose of Procedures

- 1.1 These procedures outline how staff should administer the CDHA Housing Association Complaints Policy.
- 1.2 For a definition of what constitutes a complaint, refer to Section 1.2 of the Complaints Policy.
- 1.3 Service Standards relevant to the Complaints Policy are detailed in Section 3 of the Complaints Policy.

2 How to take a complaint

2.1 1st point

- 2.1.1 All staff are responsible for receiving complaints from customers.
- 2.1.2 The Director will be responsible for ensuring that all staff are aware of the policy and procedure and are appropriately trained in complaint handling.

2.2 How to handle complaints received in person

- 2.2.1 Be courteous and helpful. Encourage the customer to make the complaint, and listen to the points being made. It is important not to interrupt the complainant or to be defensive. Say sorry if it seems appropriate to do so.
- 2.2.2 Handle it confidentially. If seeing the customer in the office, use a private interview room
- 2.2.3 Establish if interpreting services are required. If so this will probably require a new appointment to be made
- 2.2.4 Find out the facts and try to resolve the matter immediately. Most importantly, establish what the customer wants us to do. If you need to speak to a colleague to resolve the matter, ask the customer if they are willing for you to ring them back within the day. If they are – make sure you do it. If they are not, proceed to the next step.
- 2.2.5 Ask the customer if they are satisfied with your response or if they wish to register a formal complaint.
- 2.2.6 If they choose to register a complaint, briefly explain the complaints procedure. If they are in the office, give them a complaints leaflet which includes a form to complete. Offer assistance to complete it.

2.2.7 If the complaint is made by telephone, complete the complaints form over the phone.

2.3 What to do with complaints received

- 2.3.1 All letters of complaint and completed complaint forms must be logged in the mailing system as soon as they are received. Then passed in the first instance to the

“relevant person” (The relevant person is most likely to be the officer who deals with the department about which the complaint refers i.e. if the complaint is about a repair pass it to Maintenance) Otherwise pass all complaints initially to the Director.

3 Administering Complaints

- 3.1 Complaints from the website will drop into the “info” mail box. From there the director will allocate them to the appropriate member of staff.
- 3.2 In addition, the Director will identify any letters of complaint when distributing the post or those received by hand and pass them to the relevant member of staff.
- 3.3 Admin staff will ensure all complaints are logged on the database and maintained in a central complaints file. All complaints will be given a reference number. The same reference number will be allocated to a complaint whatever stage it is at.
- 3.4 Admin Staff will acknowledge complaints in writing within 3 working days. A copy of the complaint, acknowledgement letter and summary pro forma will be passed to the person dealing with the complaint. The originals will be kept in the complaints file.
- 3.5 Admin Staff will prompt each Officer or Director investigating a complaint with a reminder on the 3rd working day of the 5 working day response deadline. It is the responsibility of Admin Staff to ensure the relevant Officer or Director receives the reminder.
- 3.6 It is the responsibility of the person assigned to deal with the complaint to send the full response within the deadline, complete the pro forma and return it to the Admin Staff to update the database.
- 3.7 If further investigation is required to address a complaint or because of key staff absences the 5 working day target cannot be met, the Officer or Director investigating the complaint is responsible for advising the complainant, within the 5 day timescale, of a revised timescale explaining the reasons for the delay.
- 3.8 If the complaint relates to an officer of the Association who would normally be expected to respond to the complaint, the director will investigate and respond to the complaint.
- 3.9 If the complaint at Stage 1 is about the Director of the Association, the Chairperson of the Management Committee would normally investigate and respond to the complaint.
- 3.10 Admin Staff are responsible for sending out a Complaint Feedback Form after a complaint has been resolved.
- 3.11 All forms and any letters/correspondence, records of conversations etc. should be kept on the complaints file with a copy on the house file.

4 Investigation of Complaints

- 4.1 It is the Association’s aim to investigate complaints fully and fairly. A thorough, open and impartial investigation of the complaint must be conducted to ascertain the facts.

- 4.2 Any extension required to conduct further investigation towards a full response must be put in writing to the complainant. This must be within the timescale of 5 working days and should explain the reasons for the extension.
- 4.3 In certain situations it may be necessary or beneficial, towards resolving the complaint, to contact the complainant. This may be to discuss the matter in more detail or to confirm certain facts. However, staff must ensure each stage of the Complaints Procedure is followed correctly and each timescale is met.
- 4.4 All written responses should aim to:
 - 4.4.1 Answer all points of concern that have been raised
 - 4.4.2 Provide a full explanation as to why a particular decision has been made
 - 4.4.3 be factually correct
 - 4.4.4 Avoid jargon and use plain English
 - 4.4.5 Provide a name and contact number
 - 4.4.6 Advise of the next stage of the procedure should the complainant remain dissatisfied
 - 4.4.7 Include an apology if the complaint is justified and give an assurance that action has been taken to prevent the mistake happening again
 - 4.4.8 Acknowledge that the complainant is dissatisfied with the level of service whether justified or not
 - 4.4.9 Where appropriate offer some form of redress – what we are offering to the tenant to draw the matter to a satisfactory close
- 4.5 It is important to keep a record of all investigations and correspondence and any advice that is received. Copies should be made with originals passed to the Admin Staff for filing in the complaints file and on the house file.
- 4.6 In certain cases it may be appropriate to seek independent advice or use mediation services. It may be appropriate to do this at this stage to prevent the complaint escalating to the next stage.

5 **Data Protection and Confidentiality**

- 5.1 All staff should abide by the Association's Confidentiality Policy.
- 5.2 All third party requests for personal data about a data subject (e.g. a tenant of housing applicant) should be made in writing. Examples of third party requests are those from MPs, Councillors and Solicitors.
- 5.3 Requests should be accompanied by confirmation from the complainant that they consent to the Association disclosing data to a third party.

6 **Insurance Claims and Legal Action**

- 6.1 In some cases it may be appropriate to refer the matter to the finance officer for referral to the association's Insurers. In this case a simple holding letter should be sent.
- 6.2 The Finance Officer will administrate responses to and records of insurance claims. All correspondence relating to legal action or potential legal action against the Association will be passed to the Finance Officer. The Finance Officer will forward correspondence requiring a response from an officer or the Director to the insurers.
- 6.3 The Finance Officer should ensure that any necessary consents relating to personal data are received.
- 6.4 The Finance Officer will acknowledge correspondence from Solicitors within 5 working days of receipt.
- 6.5 The Finance Officer will inform the Association's Insurance company in writing of any claim made against the Association within 5 working days of receiving a claim. They will also inform the Director.
- 6.6 The Finance Officer will report on insurance claims and legal actions on a monthly basis

7 Monitoring and Reporting

7.1 Customer Feedback

- 7.1.1 We will survey all complainants to ascertain whether we are dealing with complaints quickly, effectively, and to the satisfaction of the person making the complaint.

7.2 Monitoring

- 7.2.1 Staff will produce reports for the management meetings on complaints.

- 7.2.2 Staff will also review complaints received and responses quarterly to identify service improvements, monitor that agreed actions have been taken and feed this in to the service improvement process (amendment of procedures etc.).

- 7.2.3 The Director and Officers will use monitoring information to:

- identify areas of service delivery that require review/improvement
- identify any action required within their team/department to avoid similar complaints being made
- identify training needs
- provide information through staff meetings on good and poor performance areas

- 7.2.4 The Director will ensure that information on complaints and satisfaction levels is published in the tenants' newsletter. We will also publicise details of any changes we have made in response to customer suggestions to show that we are positively using complaints to improve service delivery.

- 7.2.5 In order to maintain confidentiality all reports in relation to this procedure that are presented to committees or the board will have tenancy details removed.