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Policy:	Complaints Policy
Legal Requirements:	Scottish Public Services Ombudsman Act 2002 Public Services Reform (Scotland) Act 2010
Regulatory Standards:	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</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 5. The RSL conducts its affairs with honesty and integrity.</p>
Notifiable Events Guidance:	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
Human Rights:	<p>In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy.</p> <p>In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.</p>
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
Policy Author:	Kevin Freeman
Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of October.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 24th of October 2024.



Statement of Policy Aims and Principles

The Association is committed to providing a high-quality service to all customers. However, it is recognised that sometimes things go wrong and this can result in customer dissatisfaction in relation to the services that it provides.

The aim of this policy is to ensure that complaints, from anyone who is dissatisfied with a service they receive from the Association, are dealt with efficiently and resolved quickly.

The Association will use complaint information to regularly review the quality of services it provides and ensure continuous improvement throughout the organisation. The Association will record and respond positively to all complaints and recognises them as an opportunity to learn.

This policy reflects and operates in conjunction with the Scottish Public Services Ombudsman (SPSO) Model Complaints Handling Procedure for Registered Social Landlords (RSLs), which has been fully adopted by the Association.

Compliance

In accordance with the Scottish Public Services Ombudsman Act 2002 (as amended), the Association is required to comply with the Scottish Public Services Ombudsman's Model Complaints Handling Procedures (MCHP). The SPSO also monitors compliance with the MCHP through the complaints it investigates and through its standards function which includes quality checks of published and available complaints procedures.

Complaints performance is also monitored by the Scottish Housing Regulator through the Scottish Social Housing Charter (SSHC).

The Association has taken due consideration of the outcomes and standards within the Scottish Social Housing Charter in the development of this Policy. The outcomes and standards that cover the remit of this Policy are:

Communication: Social landlords manage their businesses so that:

- "Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides".

This Policy also reflects good practice published by the Scottish Housing Regulator in their February 2017 publication "Complaints Handling by Social Landlords in Scotland – A thematic enquiry".

Policy Details

Definition of a Complaint

A complaint is defined as an expression of dissatisfaction about the Association's action or lack of action, or about the standard of service provided by or on behalf of Association.

Reasons for complaining include:

- Failure or refusal to provide a service;
- Inadequate quality or standard of service, or an unreasonable delay in providing a service;
- Delays in responding to enquiries or requests;
- Unfairness, bias or prejudice in service delivery;
- Lack of provision, or the provision of misleading, unsuitable or incorrect advice or information;
- A repair that has not been carried out properly or in an agreed timeframe;
- Dissatisfaction with one of our policies or its impact on the individual;
- Failure to properly apply law, procedure or guidance when delivering services;
- Failure to follow the appropriate administrative process;
- Conduct, treatment by or attitude of a member of staff or contractor; or
- Disagreement with a decision (except where there is a statutory procedure for challenging that decision or an established appeals process).



POLICY STATEMENT

Policy Details (Continued)

Definition of a Complaint (Continued)

5 The following are not defined as a complaint:

- A routine first-time request for a service;
- A request for compensation only;
- Issues that are in court or have already been heard by a court or a tribunal;
- 10 • Disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests),
- A request for information under the Data Protection or Freedom of Information legislation;
- A grievance by a staff member or a grievance relating to employment or staff recruitment;
- A concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern);
- 15 • A concern about a child or an adult's safety;
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision; or
- A concern about the actions or service of a different organisation, where we have no involvement in the issue.

20 Making a Complaint

Any person who receives, requests or is affected by our services can make a complaint. Complaints may be made in person, by telephone, by letter, complaints form or email. If a customer is unable or reluctant to make a complaint, the Association accepts complaints brought by a third party as long as the customer has authorised the person to act on their behalf.

25 The Association will only consider complaints that are raised within six months of when the customer first became aware of the issue about which they are making a complaint. Complaints received out with this timescale will not be considered unless there are extenuating circumstances.

30 Anonymous Complaints

The Association will consider anonymous complaints if there is enough information in the complaint to enable an investigation. If an anonymous complaint does not provide enough information to enable further action, the Association may not pursue it. Any decision not to pursue an anonymous complaint must be authorised by the Director.

35 If the Association pursues an anonymous complaint, the complaint will be recorded as an anonymous and details of the complaint along with learning outcomes and actions taken will be recorded in either the Stage 1 or Stage 2 complaints register.

40 Customers not Wanting to Complain

If a customer expresses dissatisfaction but does not wish to complain, the Association will explain that complaints offer the Association an opportunity to improve its service. The Association will encourage the customer to submit their complaint in line with the Complaints Handling Procedure. If a customer insists that they do not wish to complain, the complaint must be recorded as anonymous and all details along with learning outcomes and actions taken must be recorded in either the Stage 1 or Stage 2 complaints register.

45 The Complaints Handling Process

The Association will investigate complaints and resolve them as close to the point of frontline service delivery as possible. The Association will ensure that the customer is kept fully informed throughout the complaint handling process.

50 The complaints handling procedure has two stages but it is expected that the majority of complaints will be resolved at Stage 1.

Stage 1 - Frontline Resolution

55 Straightforward complaints should be resolved at Stage 1 with staff resolving complaints within five working days. Generally these complaints will be resolved quickly with, where appropriate, an on-the-spot apology or an explanation of why the issue occurred and the action taken to resolve the matter.



Policy Details (Continued)

The Complaints Handling Process (Continued)

5 When closing the complaint at Stage 1 the Association must:

- Advise the customer of the outcome to the complaint;
- Explain the reasons for its decision; and
- Explain that the customer can escalate the complaint to Stage 2 if they remain dissatisfied and provide details on how they can do this.

10 The Association will record details of all complaints including the actions taken and the final outcome in the Stage 1 Complaints Register.

15 **Stage 2 – Investigation**

Complaints that were not resolved at Stage 1 or are so complex that they require further investigation before a decision can be made will be dealt with under Stage 2 of the complaints handling procedure. Investigation must be completed within twenty working days.

20 When dealing with complaints at this stage the Association will:

- Record the complaint at Stage 2;
- Acknowledge receipt of the complaint within three working days;
- Discuss the complaint with the customer and agree the points of complaint;
- Carry out the necessary investigation;
- Provide a full response to the customer as soon as possible but no later than twenty working days.

25 When an investigation into a Stage 2 complaint has been concluded the response to the customer must be signed off by the Director. The customer must be advised of the outcome of the investigation in writing, or by their preferred method of contact.

30 When closing the complaint at Stage 2 the Association must:

- Advise the customer of the outcome to the complaint;
- Address all the issues raised and demonstrate that each element has been fully and fairly investigated;
- Include an apology where things have gone wrong;
- Highlight any area of disagreement and explain why no further action can be taken;
- Indicate that a named member of staff is available to clarify any aspect of the letter; and
- Explain that the customer can seek independent external review and provide details on how they can do this.

35 The Association will record details of all complaints including the actions taken and the final outcome in the Stage 2 Complaints Register.

Independent External Review

45 If a customer remains dissatisfied after investigation stage has been completed, they have the right to ask the SPSO to consider their complaint. When responding to the complainant the Association must:

- Advise the customer of their right to ask the SPSO to consider their complaint;
- Advise the customer of the time limit for doing so; and
- Provide contact details for the SPSO.

Factoring Complaints

55 The SPSO does not normally consider complaints about the Association's factoring service. These complaints can be considered by the First Tier Tribunal for Scotland (Housing and Property Chamber). The Association must still signpost these complaints to the SPSO, as there may be some aspects of the complaint that the SPSO can consider (for example, if the customer is dissatisfied with how we have handled their complaint). However, the Association will also notify the customer of their right to approach the Tribunal if they are dissatisfied with our response to these kinds of complaint.



Policy Details (Continued)

Complaints Involving more than one Service or Organisation

5 If a complaint relates to actions of two or more of the Association’s services, one staff member will be appointed to deal with all aspects of the response. The customer will be advised of who will take the lead and that they will only receive one response covering all the issues raised.

10 If a complaint relates to a service involving one or more of our contractors or service providers, the Association will deal with the complaint. The customer will be advised of who will take the lead and that they will only receive one response covering all the issues raised.

Extension to the Timeline

15 Complaints handled at Stage 1 should be completed within five working days. In exceptional circumstances, where there are clear and justifiable reasons for doing so, the Association may agree an extension of no more than five working days with the customer. An extension must be authorised by the Director.

20 Complaints handled at Stage 2 should be completed within twenty working days. In exceptional circumstances, where there are clear and justifiable reasons for extending the timescale, the Director will set time limits on any extended investigation. The Association must advise the customer of the reasons for the delay and confirm a the revised timescale for completion. Where an extension has been applied the Association will contact the customer at least once every twenty-days to update them on the progress of the investigation.

25 **Confidentiality**

Confidentiality is important in handling complaints and in this regard the Association will observe its legal requirements and internal policies surrounding data protection and privacy when investigating complaints.

30 **Significant Performance Failure / Serious Concerns**

The Scottish Housing Regulator (SHR) has a duty to 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 interest of its tenants at risk, and which the landlord has not resolved.

35 Significant Performance Failures should be raised with the Association in the first instance and investigated in line with the Complaints Handling Procedure. If the Association fails to deal with a failure or agrees to do something but then nothing happens, the customer should then raise the issue with the Scottish Housing Regulator.

40 A serious Concern is a complaint that that affects a group of landlord tenants. A serious concern can be reported to the SHR by a tenant. The SHR defines a serious concern as being when a social landlord:

- Has acted in a way which puts tenant’s interests at risk and this affects or could affect, a group of tenants or all tenants; or
- Repeatedly fails to achieve outcomes in the Social Housing Charter or outcomes agreed with tenants; or
- Has not reported its performance annually to its tenants or has reported it inaccurately; or
- Does not meet the SHR’s standards of how an RSL should govern itself and manage its finances; or
- Has not met targets the SHR has set.

50 The SHR considers a serious concern to be a Significant Performance Failure in accordance with the Housing (Scotland) Act 2010.

To report a serious concern, a tenant is required to advise the SHR of the issue and why they believe the concern is serious, demonstrate how the problem affects a group of tenants, when the tenant raised the issue with the Association and why they believe the serious concerns has either not been resolved or resolved within a reasonable timescale.

55 If the SHR considers the issue raised to be a serious concern they will decide whether they need to engage with the Association to ensure that action is taken to address the matter. The SHR may take immediate regulatory action if they feel this is necessary.



Recording, Reporting and Publicising Complaints

The Association will record all complaints and use the data collected for analysis and management reporting. The Association will use the information collected to track themes and trends. Collecting complaints information will also allow the Association to:

- Seek and identify the root cause of complaints;
- Take action to reduce the risk of recurrence; and
- Systematically review complaints performance reports to improve service delivery.

Complaints information will be reported to Management Committee on a quarterly basis. The reports will include performance statistics and an analysis of trends and the outcomes to complaints.

The Association will publish complaints information on a quarterly basis detailing complaints outcomes, trends, actions taken and providing examples of how complaints have helped improve services. The Association will also publish an annual complaints performance report that will include performance statistics and information relating to complaint trends and the actions that have been taken to improve services as a result.