



MARYHILL HOUSING

COMPLAINTS HANDLING PROCEDURE

December 2016

MARYHILL HOUSING

COMPLAINTS HANDLING PROCEDURE

Foreword

Maryhill Housing aims to provide a first class service and to satisfy all our customers' needs. We aim to treat our customers as we would wish to be treated ourselves. There may be occasions when you are not happy about something and it is important that you inform us of any problems.

Our Complaints Handling Procedure reflects our commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure has been developed by The Scottish Public Services Ombudsman, with significant input from housing complaints handling professionals. We have tried to produce a standard approach to handling complaints across the housing sector, which complies with the SPSO's guidance on a model complaints handling procedure. This guidance aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

Complaints give us valuable information we can use to improve customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also 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.

Resolving complaints early saves money and creates better customer relations. Sorting them out as close to the point of service delivery as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. **Complaints that we do not resolve swiftly can greatly add to our workload.**

The complaints handling procedure will help us do our job better, improve relationships with our service users and improve public perception of Maryhill Housing. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

CONTENTS PAGE

How to use this complaints handling procedure

What is a complaint

Significant performance failures

The complaints handling process

Stage One: Frontline Resolution

Extension to the timeline

Stage two; investigation

Governance of the Complaints Handling Procedure

Complaints about senior staff or board members

Recording, Reporting, Learning and Publicising

Managing unacceptable behaviour

Appendix 1: Examples of complaints and possible actions to achieve resolution

Appendix 2: What is not a complaint

Appendix 3: Timelines

Appendix 4: The complaints handling procedure

1 HOW TO USE THIS COMPLAINTS HANDLING PROCEDURE

This document explains to staff how to handle complaints. Another document provides information for customers on the complaints procedure. Together, these form our complaints handling procedure.

Throughout this document there are references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaints. The criteria have been developed in line with the SPSO's complaints handling principles, as detailed below.

When using this document, please also refer to the '[SPSO Statement of Complaints Handling Principles](#)' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO. Click the following link for more information: [Valuing Complaints website](#)

2 WHAT IS A COMPLAINT?

Maryhill Housing has adopted the following definition of a complaint is:

‘An expression of dissatisfaction by one or more members of the public about the Association’s action or lack of action, or about the standard of service provided by or on behalf of Maryhill Housing’

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with our policy *e.g. if you feel your housing application has not been handled properly*
- disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- treatment by or attitude of a member of staff
- the Associations’ failure to follow the appropriate administrative process.
- delays in responding to enquiries and requests
- if you feel that you have been unfairly discriminated against

This list does not cover everything. For example, this may also include:

- unfairness, bias or prejudice in service delivery
- failure to follow procedures
- lack of provision, or the provision of misleading, unsuitable or incorrect advice or information
- a repair that has not been carried out properly
- unacceptable behaviour by a member of staff, a committee member or a contractor.

Appendix 1 provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is **not**:

- a routine first-time request for a service e.g. reporting a repair
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal
- an appeal against a decision where there is an established appeal route; these should be heard through the appropriate appeal process
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our **final** decision

You should not treat these issues as complaints, and should instead direct customers to use the appropriate procedures.

Appendix 2 gives more examples of 'what is not a complaint' and how to direct customers appropriately. This includes an example of when an antisocial behaviour complaint may and may not be considered to be a complaint.

Complaints against neighbours will be dealt with under our Anti Social Policy, but if you have a complaint about the way we have dealt with a neighbour dispute, then you can use the Complaints Procedure.

What if the customer doesn't want to complain?

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, tell them that we do consider all expressions of dissatisfaction, and that customer complaints offer us the opportunity to improve services where things have gone wrong. Encourage the customer to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If, however, the customer insists they do not wish to complain, record the issue as an anonymous complaint, thus ensuring that the customer's details are not recorded on the complaints database, and that they receive no further contact about the matter. This will help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

Appendix 1 provides a range of examples of complaints we may receive, and how these may be handled.

Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint. This obviously includes Maryhill Housing tenants and customers. This also includes a member of the public who could have access to or be impacted by our services.

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent. These complaints are treated in the same way as any other complaint, irrespective of who has brought the complaint. Anyone seeking to represent one of our customers should request a 'Representation Mandate' from our offices.

Care Complaints

Anyone receiving care services from us, including residents living in sheltered housing, has the right to either complain direct to the Care Inspectorate or to us.

Some tenants may also receive care or support from other agencies under a contract with us. They may direct complaints about these services either to us (just like complaints about any of our other services) or directly to the Care Inspectorate.

The Care Inspectorate's contact details can be found on their website:

<http://www.scswis.com/>

Or

- telephone 0845 600 9527
- fax 01382 207 289
- complete an online complaints form at <http://www.scswis.com/>, or
- email enquiries@careinspectorate.com

Significant Performance Failures

The Scottish Housing Regulator now has a duty to consider issues raised with them that relate to 'Significant Performance Failures'. These are issues that relate to a serious, persistent service failure, which impacts on a number of tenants. These issues should first be raised with us, and we will do our best to resolve the problem. If you are still dissatisfied with our response, you can take the issue to the SHR.

These issues are not considered as complaints, and are not dealt with through this complaints handling procedure.

What is a significant performance failure?

A significant performance failure is something that your landlord does or fails to do that puts the interests of its tenants at risk, and your landlord has not resolved the failure. This is something that is a *systemic* problem that does, or could, affect all of your landlord's tenants.

A significant performance failure happens when:

- Your landlord is not delivering or reporting on the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- Your landlord is not achieving the regulatory standards on governance or financial management.

Examples of a significant performance failure could include your landlord:

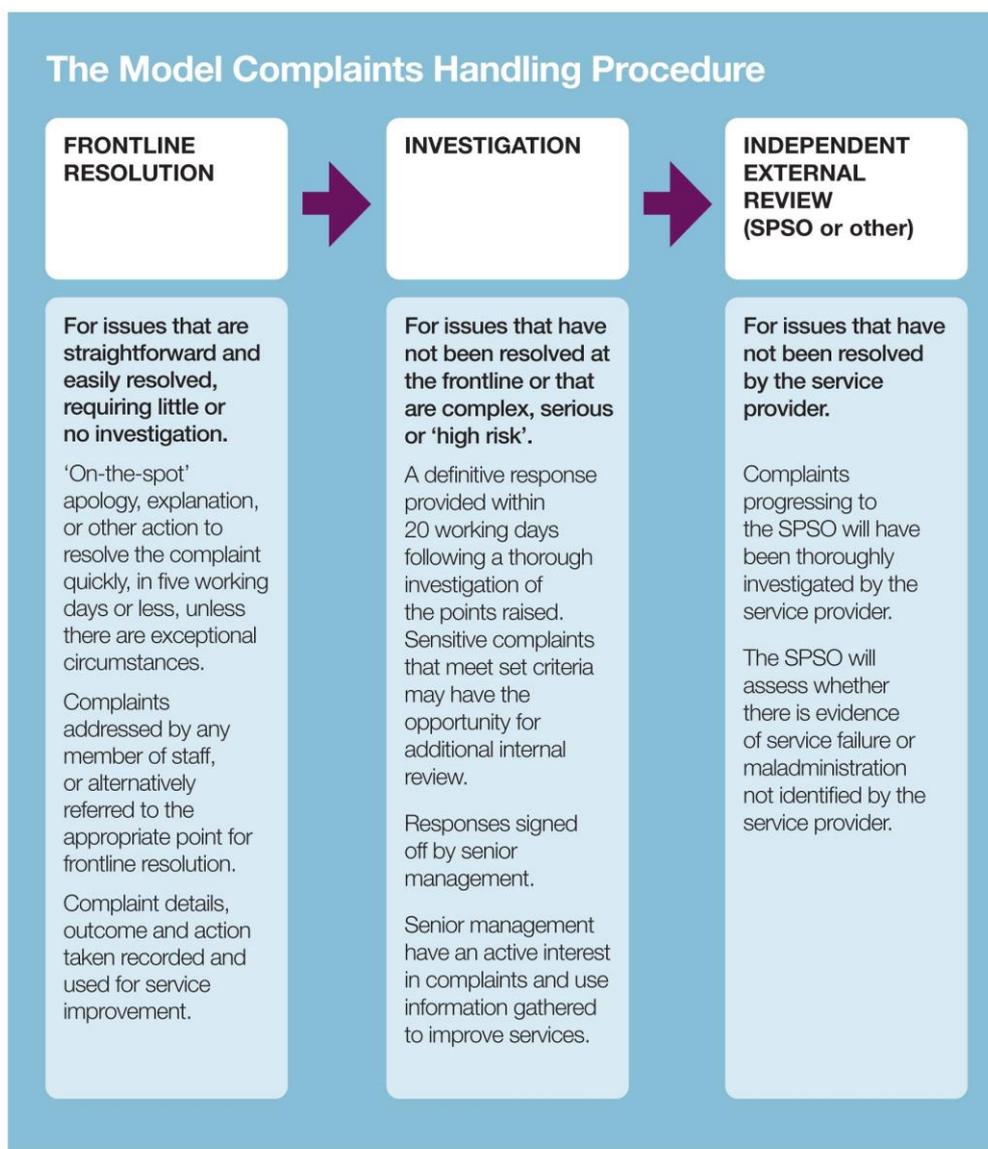
- consistently not doing repairs when it should;
- not allowing tenants to apply for another house;
- putting tenants' safety at risk because it is not doing gas safety checks when it should;
- not helping tenants to report anti-social behaviour.

3 THE COMPLAINTS HANDLING PROCESS

Our complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

Our complaints process provides two opportunities to resolve complaints internally:

1. frontline resolution, and
2. investigation.



For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within Maryhill Housing but means seeking to resolve complaints at the initial point of contact where possible.

Stage one: frontline resolution

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer, or asking the appropriate member of staff to deal directly with the complaint.

Appendix 1 gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, frontline resolution means resolving the complaint at the first point of contact with the customer, either by the member of staff receiving the complaint or other identified staff.

In either case, you may settle the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. You may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. You should always consider frontline resolution, regardless of how you have received the customer's complaint.

At Maryhill Housing front line complaints will be handled as follows:

ALL staff can and will take and log a complaint on SDM, regardless of which area of the business the complaint relates to. The onward handling of the complaint should be directed by the person logging the complaint as follows:

- **Complaints about repairs should be handled by a front line member of staff from housing services.**
- **Complaints about housing management issues should be handled by a front line member of staff from housing services.**
- **Complaints about new build or community / wider role initiatives should be handled by a frontline member of staff from Development and Regeneration.**
- **Complaints that cannot be resolved at the frontline stage should be escalated to the relevant line manager.**

What to do when you receive a complaint

- 1 On receiving a complaint, you should first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean you should treat one element as a complaint, while directing the customer to pursue another element through an alternative route (see Appendix 2).
- 2 If you have received and identified a complaint, you should record the details on our complaints module in SDM.
- 3 Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give the customer a suitable response. You should escalate these complaints immediately to the investigation stage.
- 4 Where you think frontline resolution is appropriate, you should consider four key questions:
 - what exactly is the customer's complaint (or complaints)?
 - what does the customer want to achieve by complaining?
 - can I achieve this, or explain why not?
 - if I can't resolve this, who can help with frontline resolution?

What exactly is the customer's complaint (or complaints)?

It is important to be clear about what exactly the customer is complaining of. You may need to ask the customer for more information and probe further to get a full picture.

What does the customer want to achieve by complaining?

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, and you may need to probe further to find out what they expect, and whether they can be satisfied.

Can I achieve this, or explain why not?

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you can't achieve it, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject. Click the following link to find [SPSO guidance on apology](#) .

The customer may expect more than we can provide. If so, you must tell them as soon as possible. An example would be where the customer is so dissatisfied with a kitchen refurbishment that they demand a new kitchen, but we are only willing to repair any broken units.

You are likely to have to convey the decision face-to-face or on the telephone. If you do so face-to-face, by telephone or by email, you are not required to write to the customer as well, although you may choose to do so. It's important, however, to keep a full and accurate record of the decision reached and passed to the customer.

If I can't resolve this, who can help with frontline resolution?

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, you should be able to pass details of the complaint to someone who can attempt to resolve it.

What to do when more than one service is involved

If all of the issues raised in the complaint can be resolved at the frontline resolution stage, you must ensure your response to the customer covers every issue complained of, regardless of who gives it. Members of staff from different services may need to liaise to ensure we give a complete response.

If a complaint relates to the actions of two or more departments, you must tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

If a complaint relates to an MH service and includes one or more contractors providing services on our behalf, we and the contractor must agree who will take the lead, and must work together to investigate all the matters simultaneously in line with this complaints handling procedure. You or the contractor must tell the customer who will take the lead in dealing with the complaint, and explain that they will receive only one response covering all issues raised.

If a complaint relates to an MH service and the service of another agency, or public service provider, for example a council or a government department, you must first ask the customer's permission to share information about the complaint with the other organisation. If they agree, liaise closely with the other organisation to consider the full extent of the complaint. You must ensure your response to the complaint addresses all areas where we are responsible for any alleged service failure and for the decision on the matter.

Such complaints may include:

- a complaint made to us about rent arrears, that is due in part to a claim for Housing Benefit from the DWP
- a complaint made to us about antisocial behaviour which relates to our service and a local authority service.

Timelines

Frontline resolution should be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

You may need to get more information from other services to resolve the complaint at this stage. **However, it is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated.**

Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the customer. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

When you ask for an extension, you must get authorisation from the appropriate senior manager, who should decide whether you need an extension to effectively resolve the complaint. Examples of when this may be appropriate include staff or contractors being temporarily unavailable. If, however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. You must tell the customer about the reasons for the delay, and when they can expect your response.

If the customer does not agree to an extension but it is unavoidable and reasonable, a senior manager should decide on the extension. You must then tell the customer about the delay and explain the reason for the decision to grant the extension.

It is important that such extensions do not become the norm. Rather, the timeline at the frontline resolution stage should be extended only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics go to our senior management team and the Board on a quarterly basis.

Appendix 3 provides further information on timescales.

Closing the complaint at frontline resolution stage

Following resolution, you are not obliged to write to the customer, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and given to the customer.

We would hope to resolve the complaint at the frontline resolution stage. Where this happens, close the case and update the record of the complaint accordingly. However, where it is clear that the customer is still dissatisfied, we must explain to them that they can ask for their complaint to be investigated. If they request an investigation, inform the customer about any extra evidence they should provide and pass the complaint for investigation.

When to escalate to the investigation stage

A complaint should be escalated to the investigation stage when:

- frontline resolution was tried but the customer remained dissatisfied. This may be after the case was closed after the frontline resolution stage
- the customer refuses to take part in the frontline resolution process
- the issues raised are complex and will require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

Take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. The SPSO defines potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service e.g. annual gas safety checks
- generate significant and ongoing press interest
- pose a serious risk to our operations
- present issues of a highly sensitive nature, for example concerning:
 - immediate homelessness
 - a particularly vulnerable person
 - child protection.

Stage two; investigation

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the customer that represents the Association's definitive position.

What to do when you receive a complaint for investigation

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the customer and service understand the investigation's scope.

It may be helpful to discuss and confirm these points with the customer at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the customer consider three key questions:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

It may be that the customer expects more than we can provide. If so, you must make this clear to the customer as soon as possible.

Details of the complaint must be recorded on system for recording complaints. Where appropriate, this will be done as a continuation of the frontline resolution action. The details must be updated at the conclusion of the investigation.

Where the investigation stage follows attempted frontline resolution, you must hand over all case notes and associated information to the member of staff responsible for the investigation, and record that you have done so.

Timelines

The following deadlines apply to cases at the investigation stage:

- complaints must be acknowledged within three working days
- you should provide a full response to the complaint as soon as possible but not later than 20 working days from the time you received the complaint for investigation.

Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and you should always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, senior management will set time limits on any extended investigation, as long as the customer agrees. You must keep the customer updated on the reason for the delay and give them a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and

reasonable, then senior management should consider and confirm the extension. The reasons for an extension might include the following:

- where essential accounts or statements, crucial to establishing the circumstances of the case are required, from staff, customers, or others but these individuals are unavailable e.g. because of long term sickness or leave
- you cannot obtain further essential information within normal timescales
- unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions, disrupt operations
- the customer has agreed to mediation as a potential route for resolution.

These are only a few examples, and you must judge the matter in relation to each complaint. However, an extension would be the exception and you must always try to deliver a final response to the complaint within 20 working days.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics will go to our management team and the Board on a quarterly basis.

Appendix 3 provides further information on timelines.

Mediation

Some complex complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mentors to try to resolve the matter, and to reduce the risk of the complaint escalating further.

Mediation will help both parties to understand what has caused the complaint, and so is more likely to result in mutually satisfactory solutions.

If you and the customer agree to mediation, revised timescales will need to be agreed.

Closing the complaint at the investigation stage

You must let the customer know the outcome of the investigation, in writing or by their preferred method of contact. Whichever method you use, you must record the decision, and details of how it was communicated to the customer, on the system for recording complaints. You must also make clear to the customer:

- their right to ask SPSO to consider the complaint
- the time limit for doing so, and
- how to contact the SPSO.

Independent external review

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint. The SPSO does not normally consider complaints about factoring services, unless they relate to the way we have handled the complaint.

The SPSO recommends that you use the following wording in informing customers of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet ['The Ombudsman and your organisation'](#) which you may find helpful in deciding how and when to refer someone to the SPSO.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about housing associations and co-operatives. If you remain dissatisfied with a housing association or co-operative after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through the housing association or co-operative's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

Contact details for the SPSO are:

In person	SPSO 4 Melville Street Edinburgh EH3 7NS	By post	SPSO Freepost EH641 Edinburgh EH3 0BR
-----------	---	---------	--

Freephone: 0800 377 7330

Online contact: www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>

Factoring Complaints

The SPSO does not normally look at complaints that relate to our factoring service. If on receipt of a final response to a complaint about a factoring service customers remain dissatisfied they should be directed to the Scottish Government's First-tier Tribunal for Scotland (Housing and Property Chamber) who will try to resolve complaints and disputes between homeowners and property factors.

4 GOVERNANCE OF THE COMPLAINTS HANDLING PROCEDURE

Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the Chief Executive and the management team with guidance from the Board.

Our final position on the complaint is signed off by an appropriate senior manager and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

The Board: *As the governing body with responsibility for overseeing the work of the RSL, the Board must provide leadership and strategic guidance. It will also have overall control of the RSL's affairs and ensure compliance with its policies and procedures.*

In relation to complaints, their role is threefold:

- to approve the adoption of the complaints handling procedure*
- to ensure that this complaints handling procedure and associated internal processes are adhered to by staff (either through involvement with senior management, or directly); and*
- to ensure that information and learning from complaints is used to improve understanding of and to steer the policies and practices of the organisation.*

Of particular importance in relation to complaints is the the Board's role in developing and fostering a culture that values complaints. The board must ensure that recording and reporting on complaints is thorough and effective, so that reports to committee reflect a true picture of all complaints coming to the association.

The Board values complaints and will:

- support all staff in resolving complaints locally, quickly and effectively, to reduce the potential for complaint to escalate;*
- encourage frontline staff to be 'active listeners' and to understand and act on the information they receive;*
- set out how complaints data will be reported and used to promote continual improvement;*
- ensure that tenants and other customers are kept informed about how Maryhill Housing uses feedback to improve services.*

Beyond this, it will be up to each RSL how they deliver decisions on complaints and who is involved in reviewing and signing them off, within the 20 day timescale. If a tenant committee member is involved in this process, the RSL needs to consider carefully the potential impact on perceptions of confidentiality. Each RSL will develop criteria for signing off different types of complaints, and these will be detailed in the RSL's complaints process.

Complaints against staff or Board members

All complaints of this nature will follow the procedures for an investigation.

If you have a complaint against a member of staff you should write to the Chief Executive with the full details. He/she will delegate the matter to the most appropriate person who would deal with it. This would normally be the staff member's Line Manager.

If you have a complaint against the Chief Executive you should write in the first instance to the Chair of the Board. The name of the Chair and contact details can be obtained at reception in Garrioch Rd. The Chair should seek professional independent advice on the matter from the Association's solicitors Harper MacLeod.

If you have a complaint against the member of the Board, you should write in the first instance to the Chief Executive. The Chief Executive should seek professional independent advice on the matter from the Association's solicitors Harper MacLeod.

Example of complaints

The nature of the complaint will be a matter for you. Our role is to take it seriously.

Examples of a complaint may be;

- Rudeness
- Unfair treatment
- Discrimination on the grounds of race, religion, colour, sex, sexuality or any other reason.
- Poor service
- Slow or poor response to an enquiry
- Refusal to take an enquiry seriously

Chief Executive: *The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive may take a direct role in all or some complaints, or may delegate responsibility for the complaint handling procedure to senior staff. Regular management reports assure the Chief Executive of the quality of complaints performance.*

Senior Managers: *On the Chief Executive's behalf, senior managers may be responsible for:*

- *managing complaints and the way we learn from them*
- *ensuring that recording and reporting on complaints is thorough and effective*
- *overseeing the implementation of actions required as a result of a complaint*
- *investigating complaints*
- *deputising for the Chief Executive on occasion.*

However, some RSLs may decide to delegate some elements of complaints handling, (such as investigations and drafting of response letters) to other senior staff. Where this happens, senior managers should retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing response letters to customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Complaints Investigator: *Complaints investigators are responsible and accountable for the management of the investigation at stage 2. They may work in a service delivery team or as part of a centralised customer service team, and will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.*

All MH staff: *A complaint may be made to any member of staff in MH. So all staff must be aware of the complaints handling procedure and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.*

Complaints about senior staff or board members

Complaints about senior staff or board members can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint.

When serious complaints are raised against senior staff or board members, it is particularly important that the investigation is conducted by an individual that is independent of the situation. The Scottish Housing Regulator specifies that a serious complaint against senior staff or the governing body of a registered social landlord is a 'Notifiable Event', and as such they must be informed immediately. They have also drawn up 'Regulatory Expectations' in relation to the handling of serious complaints against the Chief Executive. This specifies that the RSL must seek independent, professional advice to support it in handling, and in some cases investigating, the complaint.

The Scottish Housing Regulator's Expectations also specify that strong governance arrangements must be in place that set out clear procedures for handling such complaints, including the role of the governing body in such cases. Our processes specify the measures in place to ensure this is achieved, and the types of complaints that are considered to be 'serious'.

We also have arrangements for handling minor complaints against the Chief Executive and for complaints against other senior staff and the governing body. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial.

Click the following link to find out details of [Scottish Housing Regulator's Regulatory Expectations on serious complaints against a Chief Executive](#)

Recording, Reporting Learning and Publicising

We will ensure that the appropriate details of each complaint and the outcome are recorded at each stage in the process on our internal software system (SDM), so that the details are available should the customer remain dissatisfied and further investigation etc. is required, and also to provide information on trends etc., that may require us to review standards, policies or procedures, all staff are responsible for ensuring data is input timeously and accurately. For full details, refer to the procedure supporting this policy.

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the Association. We must record all complaints in a systematic way so that we can use the complaint data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of

complaints and, where appropriate, training opportunities and introduce service improvements. Click here for more information on valuing complaints: <http://www.valuingcomplaints.org.uk/>

Recording complaints

To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows:

- the customer's details;
- the date the complaint was received;
- the nature of the complaint;
- how the complaint was received;
- the service the complaint refers to;
- the date the complaint was closed at the frontline resolution stage (where appropriate);
- the date the complaint was escalated to the investigation stage (where appropriate);
- action taken at the investigation stage (where appropriate);
- the outcome of the complaint at each stage;
- the date the complaint was closed at the investigation stage (where appropriate);
- the underlying cause of the complaint including any remedial action taken (where appropriate).

We have structured systems for recording complaints on SDM, their outcomes and any resulting action, which provide a detailed record of services that have failed to satisfy service users.

Reporting of complaints

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve. It will also facilitate efficient reporting on the Annual Return on the Charter (the ARC).

The Director is responsible for ensuring that all staff comply with this procedure.

The Performance & Governance Manager is responsible for ensuring that appropriate arrangements are in place for recording the information required to monitor the receipt, progress and outcome of each complaint.

The Performance Manager will ensure that the Complaints Procedure is publicised as widely as possible to all who need to be aware of it.

On a monthly basis, the Operational Team will monitor the progress with dealing with current complaints and will consider any action required as a result of emerging trends.

The Performance & Governance Manager will ensure that a report is provided to the Operational Team quarterly summarising all complaints received in that period. The Operational Team will use this to discuss the learning outcomes and any resulting changes to internal procedures or other action, plus summary totals for the year to date. Managers are expected to be prepared to discuss complaints under their area of responsibility.

Managers are expected to provide complaints learning outcomes in order to publish statistics quarterly in our newsletter.

The Performance & Governance Manager will ensure that this policy and related procedures is reviewed at least every 5 years.

Tenants (Scrutiny Group) will be invited to be involved in examining learning outcomes and suggesting improvements.

Learning from complaints

At the earliest opportunity after the closure of the complaint, the complaint handler makes sure that the service user and staff of the department involved understand the findings of the investigation and any recommendations made.

The Operational Team will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

Where we have identified the need for service improvement:

- the action needed to improve services should be authorised
- a staff member (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date should be set for the action to be taken
- the designated individual should follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- we should ensure that staff and the Board members all learn from complaints.

Publicising complaints performance information

We also report our performance in handling complaints to the Scottish Housing Regulator, through the Annual Return on the Charter. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

Maintaining confidentiality

Confidentiality is important in complaints investigations. This includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customer's information.

Handling Anonymous complaints

We will not always be able to handle anonymous complaints and our approach will depend on the nature and seriousness of the complaint. Where appropriate, we will investigate such complaints as far as possible. However, if it appears that a criminal offence has occurred we will have to pass information on to the police to investigate.

Managing unacceptable behaviour

People may act out of character in times of trouble or distress. The circumstances

leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the action of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. If we decide to restrict access to a service user under the terms of an unacceptable actions policy, we will also have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact later. It must also be made clear to the customer that they can still request other services such as repairs services while their access is restricted.

Supporting the customer

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always take into account our commitment and responsibilities to equality including by making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint with and customers should be signposted to these as appropriate.

Time limit for making complaints

Experience has shown that the value or reliability of evidence with regards to complaints reduces over time. This complaints handling procedure sets a time limit of six months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem

they are complaining about, unless there are special circumstances for considering complaints beyond this time.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

APPENDIX 1

Complaints

The following tables give examples of complaints that may be considered at the frontline stage, and suggests possible actions to achieve resolution.

Complaint	Possible actions to achieve resolution
<p>The customer complains that her rent payment direct debit has been set up wrongly.</p>	<p>Apologise to the customer and resolve the issue by properly updating the direct debit details.</p> <p>Record the complaint on the complaints database.</p>
<p>The customer complains that a workman did not attend to carry out a housing repair as we had agreed.</p>	<p>Explain the reasons for the failed appointment and apologise to the customer.</p> <p>Speak to the workman, the service or the service manager to explain the customer's complaint and to agree how to resolve the issue, for example by arranging a new time and date to do the repair.</p> <p>Record the complaint on the complaints database.</p>
<p>The customer complains that the quality of a repair carried out by the RSL or their contractor is not satisfactory.</p>	<ul style="list-style-type: none"> • ask the service department to examine the repair to assess whether or not it is acceptable • if appropriate, agree that the service department should do more work to resolve the matter • explain and apologise to the customer • record the complaint on the complaints database • obtain a report from the service or contractor to confirm that the repair is now complete • feed back the lessons learnt from the complaint into a service improvement plan.

Complaint	Possible actions to achieve resolution
<p>The customer complains that his support worker turned up late and was smoking.</p>	<ul style="list-style-type: none"> • contact the care service to discuss the matter with a service manager • the care service checks the timetable for visits and discusses with the home carer the complaint about smoking. They let you know the outcome • you in turn contact the customer to explain the policy, confirm the timing of visits (eg. between 8am and 12 noon) and where appropriate apologise for the inconvenience • record the complaint on the complaints database.
<p>The customer expresses dissatisfaction in line with the definition of a complaint, but says he doesn't want to complain – just wants to tell us about the matter.</p>	<p>Tell the customer that complaints are valued, and help to improve services. Encourage him to submit the complaint.</p> <p>In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the customer still insists he does not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure and reassure the customer that he will not be contacted again about the matter.</p>
<p>Dissatisfaction with a planned maintenance programme</p>	<p>Details taken of the complaint and passed onto the team involved in planning maintenance work. Customer is informed of timescales for planning the work, and that their views will be taken into account for future works.</p> <p>Complaint is recorded on the complaints database.</p>

APPENDIX 2

What is not a complaint

A concern may not necessarily be a complaint. For example, a customer might make a routine first time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep asking for service.

A customer may also be concerned about the various decisions made by us. These decisions may have their own specific review or appeal procedures, and, where appropriate, customers should be directed to the relevant procedure. However, it is important to note that if a customer expresses dissatisfaction with the administrative process we have followed to arrive at a decision, this may be treated as a complaint. The example relating to the application of an allocations policy below illustrates this distinction.

The following paragraphs provide examples of the types of issues or concerns which should not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route for resolution based on each case.

Example 1: Housing allocation decisions

Decisions made about the allocation of homes follow a specific internal policy, in line with legal requirements. Customers expressing dissatisfaction with an allocation decision should be steered towards the associated appeals process.

Eg. Customer A complains that they were not given sufficient priority for housing, given their current housing circumstances and health needs.

The customer is steered towards the appeals process for allocation decision.

However, if the customer's dissatisfaction relates to how the policy was applied, or the administration of the process, the complaint can be heard through this CHP.

Eg. Customer B complains that a home was allocated to someone else, who they knew were in less need than them, and had not been on the waiting list as long.

The customer's complaint is recorded. Explanation is given that personal details are not disclosed, so details of the other applicant cannot be

discussed. However, the basis for the decision will be reviewed. Customer B can request a review of their circumstances, if these have changed, or appeal against their points, through the appeals process. Following investigation that the decision was based on sound evidence of need, the customer is informed of the outcome. If there is evidence that there was maladministration in the evidence on which the decision was based, then suitable action must be taken and Customer B informed. The complaint is updated as appropriate, and consideration given to whether it would be appropriate to appropriate reporting of the case.

Example 2: Claims for compensation

A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you should not handle them through the complaints handling procedure. However, where a customer wants to complain about the matter leading to their request for compensation, for example workmen damaging their home, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to suspend complaint action pending the outcome of the claim for compensation. If you do this, you should notify the customer and explain that the complaint will be fully considered when the compensation claim has been resolved.

If you receive a compensation claim, you should explain to the customer the process for seeking resolution in line with our policy on these claims.

You can still make 'time and trouble' payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.

Example 3: Anti-social behaviour complaints

We have an obligation to respond appropriately to concerns or dissatisfaction about the behaviour of our tenants, either by a neighbour or a member of the public (eg. a home owner living near by). However, such concerns are initially handled through our anti-social behaviour or neighbour relations policy. A complaint can, however, be made about the way an anti-social behaviour complaint has been handled.

Eg. Mr A complains that his neighbour has been playing music late at night for the last three nights. This is the first time he has phoned to complain.

This should be handled through our anti-social behaviour policy, and the process to be followed should be fully explained to Mr A, and what he should do if the situation continues.

Eg. Ms B complains that she has reported her neighbour's barking dog several times over the last year, and nothing has been done about it.

This should be handled as a complaint and passed to the appropriate team to establish what has happened to date and update Ms B appropriately. The process should consider whether our policy was appropriately applied, and whether there may be anything else we could do to resolve the situation. The complaint should be recorded on the complaints system.

Timelines at Investigation

You may consider a complaint at the investigation stage either:

- after attempted frontline resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

Acknowledgement

All complaints considered at the investigation stage must be acknowledged within three working days of receipt.

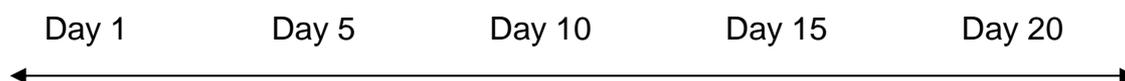
The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation
- the day the customer asks for an investigation after a decision at the frontline resolution stage. You should note that a customer may not always ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, where you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

Investigation

You should respond in full to the complaint within 20 working days of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



Day 1:

Day complaint received at Investigation stage, or next working day if date of receipt is a non working day.

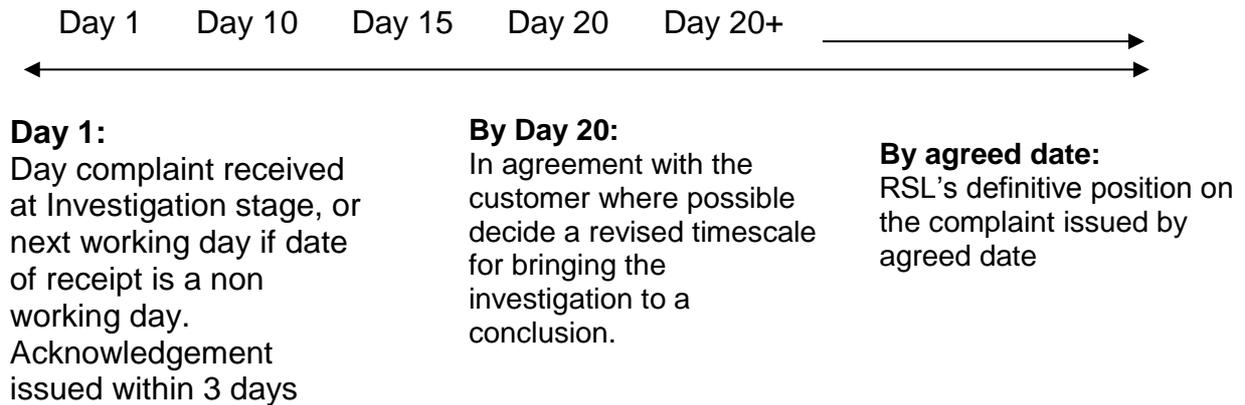
Acknowledgement issued within 3 days

Day 20:

RSL's decision issued to customer or agreement reached with customer to extend timeline.

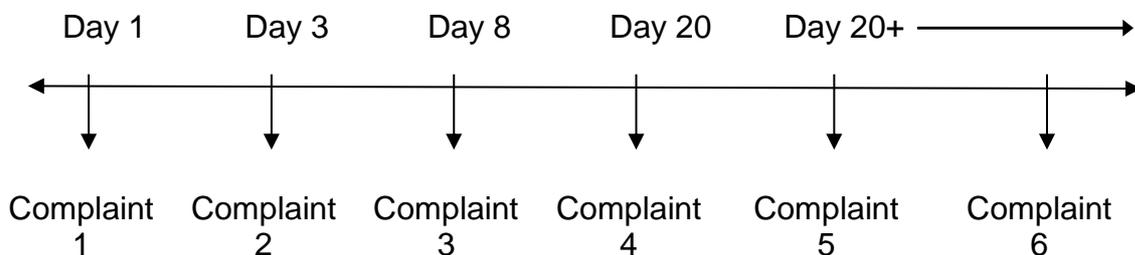
Exceptionally you may need longer than the 20-day limit for a full response. If so, you should explain the reasons to the customer, and agree with them a revised

timescale.



Timeline examples

The following illustration provides examples of the point at which we conclude our consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.



The circumstances of each complaint are explained below:

Complaint 1

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

Complaint 2

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example resolution is reached at day 3 of the frontline resolution stage.

Complaint 3

Complaint 3 refers to a complaint that was considered appropriate for frontline resolution. Although not resolved in the required timeline of five working days, an extension was authorised on a clear and demonstrable expectation that the case would be resolved within a further five days without the need to escalate to

investigation. In this case the complaint was resolved at the frontline resolution stage in a total of eight days.

Complaint 4

Complaint 4 was considered to be complex, serious or appropriate to merit a full investigation from the outset, so frontline resolution was not tried; rather we investigated the case from the outset. We issued a final decision to the customer within the 20-day limit.

Complaint 5

Complaint 5 was considered at the frontline resolution stage, where an extension of five days was also authorised. As the case was not resolved at that stage, we conducted an investigation and issued our final response within 20 working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for frontline resolution and investigation.

Complaint 6

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit , so we agreed a revised timescale with the customer for concluding the investigation beyond the 20-day limit.

APPENDIX 4 - The complaints handling procedure

