

HILLHEAD HOUSING ASSOCIATION 2000

COMPLAINTS POLICY AND PROCEDURE

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欲知有關詳情，請聯絡本協會，電話：0141 578 0200，或向我們發送電郵，電郵地址：
admin@hillheadhousing.org

Tha am fiosrachadh anns an sgrìobhainn seo ri fhaotainn ann an Gàidhlig no air teip/CD, sa chlà mhòr agus cuideachd ann an Clò nan Dall.
Airson tuilleadh fiosrachaidh, cuiribh fios dhan Chomann air 0141 578 0200 no cuiribh post-dealain gu: admin@hillheadhousing.org

इस दस्तावेज़ में दी गई जानकारी हिन्दी में भी या टेप, सी डी, बड़ी छाप और ब्रैल में भी उपलब्ध है। विवरण के लिए एसोसिएशन को नम्बर 0141 578 0200 पर या ई-मेल के द्वारा सम्पर्क करें :
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HILLHEAD HOUSING ASSOCIATION 2000

COMPLAINTS POLICY AND PROCEDURE

1. INTRODUCTION

HHA 2000 aims to ensure that its service delivery is of the highest possible standard but it is possible that customers may occasionally have cause for complaint. This Policy reflects the Association's 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 investigation of customer complaints.

The Complaints Handling Procedure (CHP) has been developed by the Scottish Public Services Ombudsman (SPSO), producing a standard approach to handling complaints across the housing sector, which complies with the SPSO's guidance on a model complaints handling procedure.

Complaints provide valuable information which the Association can use to improve customer satisfaction. The CHP will enable a customer's dissatisfaction to be addressed and may also prevent the same problems that led to the complaint from happening again. For staff, complaints provide a first-hand account of the service user's views and experience, and can highlight problems which may be otherwise missed. Handled well, complaints can give the Association's customers a form of redress when things go wrong, and can aid the continuous improvement of services.

The procedure will identify the definition of a complaint and who can make complaints, before setting out the process involved.

2. DEFINITION OF A COMPLAINT

2.1 HHA 2000 defines a complaint as:

“an expression of dissatisfaction by one or more members of the public about Hillhead Housing Association's action or lack of action, or about the standard of service provided by or on behalf of the Association.”

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with Hillhead Housing Association's policy
- 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

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- Hillhead Housing Association's failure to follow the appropriate administrative process
 - delays in responding to enquiries and requests

This list does not cover everything. For example, complaints may also be about:

- unfairness, bias or prejudice in service delivery
- failure to follow procedures
- lack of provision, or the provision of misleading, or 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 or agent acting on the Association's behalf

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

A complaint is **not**:

- 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
- 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 the Association has already given a **final** decision.

These issues should not be treated as complaints, and customers should instead be directed 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 a complaint.

Occasionally, complaints may be considered continuous, vexatious or malicious. Each separate issue will be treated on its own merits and the Association will ensure that any new aspects are investigated. However, where there is no new information on a continuous complaint, the Association will withdraw, giving details of alternative recourse where available.

2.2 Handling Anonymous Complaints

The Association values all complaints and will treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, the Association will consider anonymous complaints if there is enough information in the complaint to enable further enquiries to be made. If however an anonymous complaint does not provide enough information to allow further action to be taken, the Association may not

decide to pursue it. Any decision not to pursue an anonymous complaint must be authorised by the Director.

If an anonymous complaint makes serious allegations, this will immediately be referred to a member of the Senior Staff Team.

If an anonymous complaint is pursued further, the Association will record the issues as an anonymous complaint on the complaints register. This will help to ensure the completeness of the complaints data recorded and allow corrective action to be taken where appropriate.

2.3 What if the Customer does not want to Complain?

If a customer has expressed dissatisfaction in line with the Association's definition of a complaint but does not want to complain, they will be informed that the Association considers all expressions of dissatisfaction, and that customer complaints offer the opportunity to improve services where things have gone wrong. The customer will be encouraged to submit the complaint and allow it to be dealt with through the CHP. 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, the issue will be recorded as an anonymous complaint. This will ensure that the customer's details are not recorded on the complaints register and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow the matter to be fully considered, and corrective action to be taken where appropriate. An example in **Appendix 3** provides further guidance in this respect.

2.4 Who can make a Complaint?

Anyone who receives, requests or is affected by the Association's services can make a complaint. This obviously includes tenants of the Association. It also includes members of the public who may have access to or be affected by the Association's services. All these people are customers of Hillhead Housing Association.

Sometimes a customer may be unable or reluctant to make a complaint on their own. The Association will accept complaints brought by third parties (for example, elected members, MPs, MSPs, Citizens Advice) as long as the customer has given their personal consent. These complaints are treated in the same way as any other, regardless of who has brought the complaint.

2.5 Complaints involving more than one Service or Organisation

If a complaint relates to the actions of two or more of the Association's services, the customer will be informed who will be taking the lead in dealing with the complaint and advised that they will receive only one response covering all issues raised.

If a customer complains about the service of another agency or public service provider, but the Association has no involvement in the issue, the customer will be advised to contact that appropriate organisation directly.

If the complaint relates to one of the Association's services and includes one or more of our contractors, the Association would normally deal with the complaint, however, depending on circumstances we may agree with the contractor who will take the lead in dealing with the complaint. Where this happens, all parties will work together to investigate all the matters simultaneously, in line with this CHP. The customer will also be told who will take the lead in dealing with the complaint, and advised that they will receive only one response covering all issues raised.

However, if a complaint relates to the Association's service **and** the service of another agency or public service provider (for example a local authority or a government department), and the Association has a direct interest in the issue, the complaint about our service will be handled through the CHP. If enquiries need to be made to an outside agency in relation to the complaint, data protection legislation must always be taken account of, as well as the Association's guidance on handling customer's personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

Such complaints may include:

- A complaint to us about rent arrears that is partly caused by problems with a claim for Housing Benefit to the Department of Work and Pensions
- A complaint to us about anti social behaviour that relates to the Association's service and a local authority service.

2.6 Significant Performance Failures

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 SHA 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 systematic problem that does, or could, affect all of a landlord's tenants. A significant performance failure happens when:

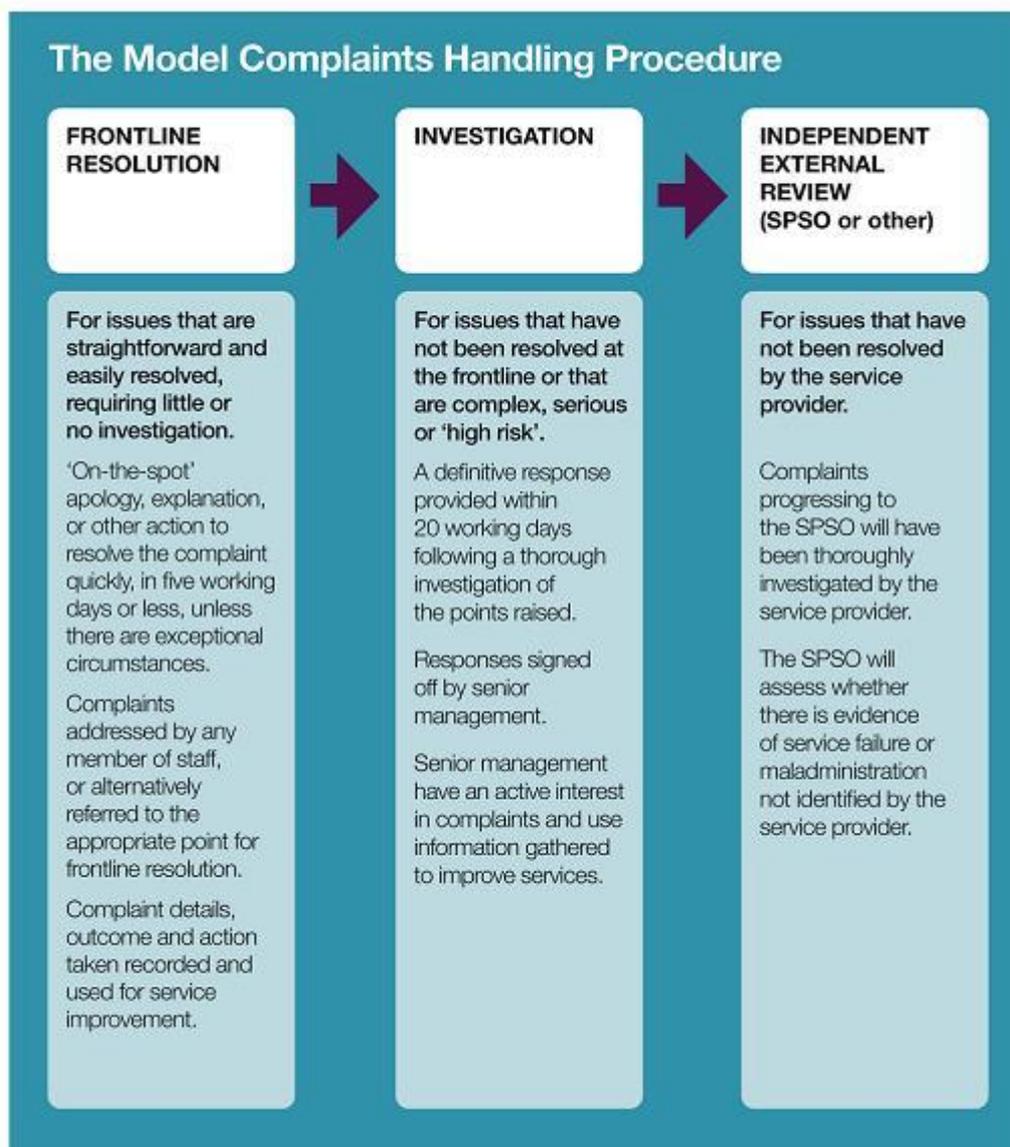
- A landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- A landlord is not achieving the regulatory standards on governance or financial management.

The complaints handling procedure

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

Our complaints procedure 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 procedure. It does not reflect any particular position or job description within Hillhead Housing Association, 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 an appropriate member of staff to deal directly with the complaint.

Appendix 1 gives examples of the types of complaint that may be considered 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, the complaint may be settled 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. It may also be explained to the customer that, as an organisation that values complaints, the Association may use the information given when reviewing service standards in the future.

A customer can make a complaint in writing, in person, by telephone, by email, or by having someone complain on their behalf. Frontline resolution should always be considered, regardless of how the complaint is received.

Procedure when a Complaint is received

- 1 On receiving a complaint, it must first be decided whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This could mean one element is treated as a complaint, while directing the customer to pursue another element through an alternative route (see **Appendix 2**).
- 2 After having received and identified a complaint, the details should now be recorded onto the Association's Complaints Register.
- 3 Next, it should be decided whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before the customer can be given a suitable response. Such complaints should be escalated immediately to the investigation stage.
- 4 Where frontline resolution is considered appropriate, four key questions must be considered:

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

It is important to be clear about exactly what the customer is complaining of. It may be necessary 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, the outcome the customer wants should be clarified. The customer may not be clear about this, and it may be necessary to probe further to find out what they expect, and whether they can be satisfied.

- **Can this be achieved – or an explanation given as to why not?**

If the expected outcome can be achieved through providing an on-the-spot apology or by explaining why the outcome cannot be achieved, this should be done.

The customer may expect more than the Association can provide. If so, they must be told 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 the Association are only willing to repair any broken units.

The decision will normally be conveyed face to face or on the telephone. If this is done face to face, by telephone or email, it is not necessary to write to the customer as well, however staff may indeed choose to do this or the customer may request it. It is important, however, to keep a full and accurate record of the decision reached and passed to the customer.

- **If this cannot be resolved, who can help with frontline resolution?**

If the complaint cannot be dealt with by the staff member receiving it because, for example, they are unfamiliar with the issues or area of service involved, the details should immediately be passed to someone who can attempt to resolve it.

Timescales

Frontline resolution should be completed within **five working days**, although in practice it would often be expected to have resolved the complaint much sooner.

It may be necessary to obtain 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, an extension of no more than five working days may be agreed 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 an extension is being requested, authorisation must be obtained from the appropriate section head, who will decide whether an extension is required 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. The customer must be advised of the reasons for delay, and when they can expect a response.

If the customer does not agree to an extension but it is unavoidable and reasonable, the appropriate section head should decide on the extension. The customer should then be informed about the delay, explaining the reasons for granting the extension.

It is important that such extensions do not become the norm. Rather, the timescale 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 the complaint is received..

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics are presented to the Management Committee on a quarterly basis.

Appendix 3 provides further information on timescales.

Closing the complaint at frontline resolution stage

Once the customer has been informed of the outcome, it is not necessary to write to the tenant, although the staff member may choose to do so, or the customer may request this. The response to the complaint must address all areas it is responsible for and explain the reasons for the decision taken. It is also important to keep a full and accurate record of the decision reached and given to the customer. The complaint should then be closed and the complaints register updated accordingly.

When to escalate to the investigation stage

A complaint should be escalated to the investigation stage when:

- frontline resolution was tried but the customer remains dissatisfied and requests an investigation into the complaint. This may be immediately on communicating the decision at the frontline stage or could be some time later (in which case the complaint will need to be re-opened on receipt of the request for investigation)

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- 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.

When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be re-opened on the complaints register.

Particular care should be taken to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that requires input from the Director. 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
- 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 CHP are typically complex or require a detailed examination before the Association's position can be stated. These complaints may already have been considered at frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents the Association's final position.

What to do when a complaint for investigation is received

It is important to be clear from the start of the investigation stage exactly what is being investigated, 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, three key questions should be considered:

- 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 the Association can provide. If so, this must be made clear to the customer as soon as possible.

Where possible the additional information required to investigate the complaint should also be clarified. The customer may need to provide more evidence to allow a decision to be reached.

Details of the complaint must be recorded on the Complaints Register. Where appropriate, this will be done as a continuation of the frontline resolution action. The details must be updated when the investigation ends.

If the investigation stage follows attempted frontline resolution, any case notes and associated information should be passed to the Corporate Services Manager who will liaise with the section head responsible for the investigation.

Timescales

The following deadlines apply to cases at the investigation stage:

- complaints must be acknowledged within **three working days**

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- A full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received 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 staff 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. The customer must be kept updated on the reason for the delay and given 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:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but they cannot help because of long-term sickness or leave
- further essential information cannot be obtained within normal timescales
- operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather
- the customer has agreed to mediation as a potential route for resolution.

These are only a few examples, and staff must judge the matter in relation to each complaint. However, an extension would be the exception and where possible a final response should always be delivered 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 are presented to the Management Committee on a quarterly basis.

Appendix 3 provides further information on timelines.

Mediation

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

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

If both parties agree to mediation, revised timescales will need to be agreed.

Closing the complaint at the investigation stage

The customer must be informed of the outcome of the investigation either in writing or by their preferred method of contact. The response to the complaint must address all areas that the Association are responsible for and explain the reasons for the decision taken. The decision must be recorded, together with details of how it was communicated to the customer, onto the Complaints Register. The following must also be made clear to the customer:

- their right to ask the 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 the Association's complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), as well as the way in which the complaint has been handled.

The SPSO recommends that the following wording be used 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 may be 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 Scottish housing associations or co-operatives. If you remain dissatisfied with a housing association or co-operative after its complaints procedure, 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's 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.

The SPSO's contact details are:

Freepost SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

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

Governance of the Complaints Handling Procedure

Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the Association's Director.

Final positions on complaints are signed off by the appropriate section head and it will hereby be confirmed that this is the Association's final response. This ensures that the Association's senior staff own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

Management Committee

As the governing body with responsibility for overseeing the work of the Association's staff, the management committee must provide leadership and strategic guidance. They will also have overall control of the Association's affairs and ensure compliance with policies and procedures.

In relation to complaints, Committee's role is threefold:

- to approve the adoption of the CHP
- to ensure that staff keep to this CHP and associated internal processes (through involvement with senior management or directly)
- to ensure that information and learning from complaints are used to improve understanding of, and to steer, Association policies and practices.

Particularly important is the management committee's role in developing and fostering a culture that values complaints. The management committee must ensure that recording and reporting of complaints is thorough and effective, so that reports to committee reflect a true picture of all complaints.

A management committee that values complaints will:

- support all staff in resolving complaints locally, quickly and effectively, to reduce the potential for a 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 we have used feedback to improve services.

Director

The Director provides leadership and direction to guide and enable staff to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how the Association learns from the complaints received. The Director may take a direct role in some complaints, or delegate responsibility to the relevant section head, depending on the nature of the complaint.

Section Heads

On the Director's behalf, section heads are responsible for:

- managing complaints and how to learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints
- deputising for the Director on occasion.

Corporate Services Manager

The Corporate Services Manager is responsible for:

- ensuring that recording and reporting on complaints is thorough and effective
- managing the procedure at Stage 2: investigation, ensuring information is passed to correct department for investigation, and monitoring process
- maintaining Complaints Register, ensuring it is kept up to date
- preparing quarterly reports to Management Committee on complaints received

All Staff

A complaint may be made to any member of staff. So all staff must be aware of the CHP 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 unable to personally handle the matter. All staff are encouraged 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 committee members

Complaints about senior staff or committee 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 committee members, it is particularly important that the investigation is conducted by an individual who is independent of the situation. The SHR specifies that a serious complaint against senior staff or the governing body of an RSL is a 'notifiable event', and as such the regulator must be informed immediately. It has also drawn up 'regulatory expectations' for the handling of serious complaints against the Chief Executive. This specifies that independent, professional advice must be sought to support the Association in handling, and in some cases investigating, the complaint.

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

Any complaints against the Director or against any other senior staff and the governing body will be handled by an external body with advice taken from Employers in Voluntary Housing or other employer's support organisation. Such arrangements take account of the need to ensure that the final decision is fair, objective and impartial.

The Association will abide by the SHR's Regulatory Expectations on serious complaints against a Director/Chief Executive, details of which can be found on the SHR website.

Recording, reporting, learning and publicising

Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across our business. All complaints must be recorded in a systematic way so that the complaints data can be used for analysis and management reporting. By recording and using complaints information in this way, the causes of complaints can be identified and addressed and, where appropriate, training opportunities identified and service improvements introduced.

Recording complaints

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

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received (for example by email, post etc)
- 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 and any remedial action taken.

Structured systems are in place for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy customers.

Reporting of complaints

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

The outcome of complaints and actions taken in response are published on a quarterly basis in the Association's newsletter. This demonstrates the improvements resulting from complaints and shows that complaints can influence Association services. It also helps ensure transparency in the complaints handling service and will demonstrate to our customers that complaints are valued.

The Association must:

- publicise on a quarterly basis complaints outcomes, trends and actions taken
- use case studies and examples to demonstrate how complaints have helped improve services.

This information is reported to the Senior Staff Team and Management Committee on a quarterly basis.

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 senior staff team will regularly review the information gathered from complaints and consider whether services could be improved or internal policies and procedures updated.

As a minimum, the Association must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file
- systematically review complaints performance reports to improve service delivery.

Where a need for service improvement has been identified:

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

Publicising complaints performance information

Performance in handling complaints is also reported to the SHR, through the ARC. 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 handling. This includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. Staff must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customers' information.

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, all complaints must be treated seriously and properly assessed. However, it is also recognised that the action of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards staff. Therefore, the Association's policies and procedures will be applied to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers.

Where the Association decides to restrict access to a customer under the terms of its Unacceptable Actions policy, there is a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact. The Association will allow the customer to demonstrate a more reasonable approach later. It will also be made clear to the customer that they can still request other services such as repairs while their access is restricted.

Supporting the customer

All members of the community have the right to equal access to the CHP. 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 staff will seek to address to ensure easy access to the CHP.

The Association's commitment and responsibilities to equality must always be taken into account. This includes making reasonable adjustments to services to help the customer where appropriate.

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

Time limit for making complaints

This CHP sets a time limit of six months from when the customer first knew of the problem, within which time they may ask the Association to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

This time limit will be applied with discretion. In decision making account will be taken of the Scottish Public Services Ombudsman Act 2002 (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, it may be decided that this satisfies the special circumstances criteria. This will allow the complaint to be considered with an aim to resolving it.

Appendix 1 – Complaints at frontline resolution

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>	<ul style="list-style-type: none"> • Apologise to the customer and resolve the issue by properly updating the direct debit details. • Record the complaint on the complaints database.
<p>The customer complains that a worker did not attend to carry out a housing repair as we had agreed.</p>	<ul style="list-style-type: none"> • Speak to the worker, 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. • Explain the reasons for the failed appointment and apologise to the customer. • Record the complaint on the complaints database.
<p>The customer complains that the quality of a repair carried out by us or our 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 it is not acceptable, 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 learned 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. The care service should let you know the outcome. • You in turn contact the customer to explain the policy, confirm the timing of visits (for example. 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 she doesn't want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> • Tell the customer that we value complaints because they help to improve services. Encourage her to submit the complaint. • To improve our service and learn from mistakes, we need to record, evaluate and act upon customer feedback like this. Therefore, if the customer still insists she does not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that she will not be contacted again about the matter.
<p>Dissatisfaction with a planned maintenance programme</p>	<ul style="list-style-type: none"> • Take details of the complaint and pass them to the team involved in planned maintenance. Tell the customer about the timescales for planning such work, and that we will take their views into account for future work. • Record the complaint on the complaints database.

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 we make. These decisions may have their own specific review or appeal procedures, and, where appropriate, we should direct customers to the relevant procedure. However, if a customer expresses dissatisfaction with the administrative process we have followed to arrive at a decision, we should treat this as a complaint. This distinction is shown in the example below about how an allocations policy applies.

The following paragraphs provide examples of the types of issues or concerns that 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 the individual case.

Example 1: Housing allocation decisions

Decisions about the allocation of homes follow a specific internal policy, in line with legal requirements. You should steer customers who are dissatisfied with an allocation decision towards the associated appeals process.

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

Steer the customer towards the appeals process for allocation decisions.

However, if the customer is dissatisfied about how we applied the policy or administered the process, the complaint can go through this CHP.

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.

Record the customer's complaint. Explain that personal details are not disclosed, so we cannot discuss the other applicant's details. The customer will also need to be clear that we will review the basis for the decision to see if we are at fault.

If we find that the decision was based on sound evidence of need, inform the customer of the outcome. But if there is evidence that there was maladministration (fault) in the process followed to reach our decision, we must take suitable action and inform Customer B.

Update the complaint as appropriate and consider whether to report the case to senior management/ the management committee.

Customer B can also request a review of their circumstances or may appeal their points through the appeals process.

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 procedure 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 must respond well to concerns or dissatisfaction about our tenants' behaviour from a neighbour or a member of the public (for example, a home owner living nearby). We initially handle such concerns through our anti social behaviour or policy. However, someone may complain about the way we have handled an anti social behaviour complaint.

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.

We should handle this through our anti social behaviour policy. We should fully explain our procedure to Mr A, and say what he should do if the situation continues.

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

We should handle this as a complaint and pass it to the right team to establish what has happened so far and update Ms B. We should consider whether we applied our policy properly, and whether we could do anything else to resolve the situation. We should record the complaint on the complaints system.

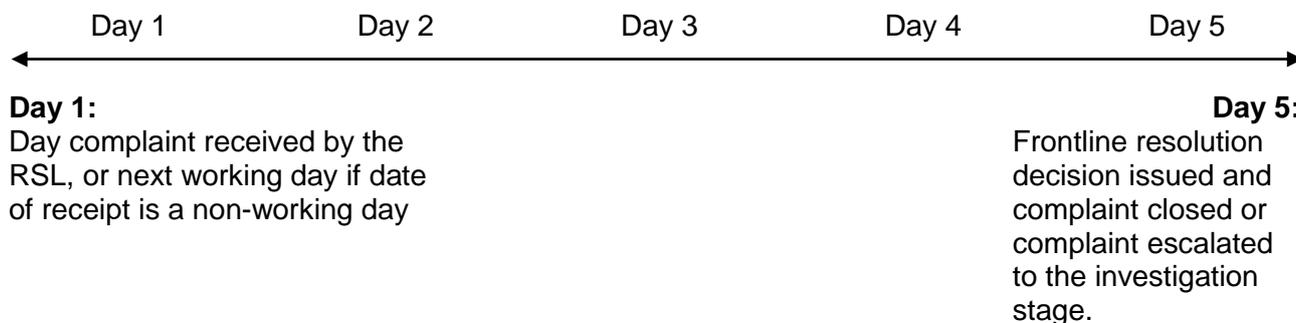
Appendix 3 - Timescales

General

Reference to timelines throughout the CHP relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends and public holidays.

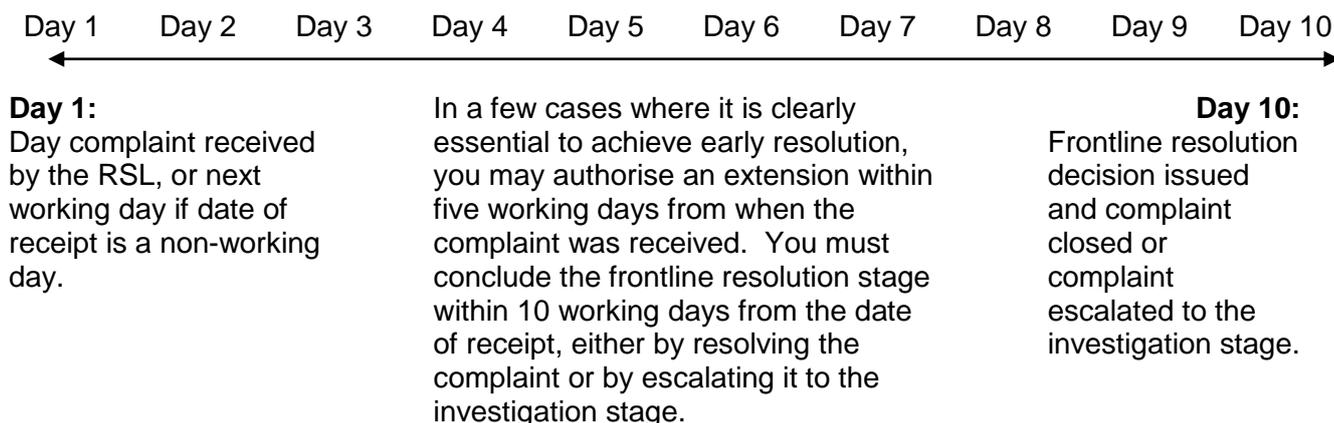
Timelines at frontline resolution

You should aim to achieve frontline resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response must take no longer than 10 working days from the date of receiving the complaint.



Transferring cases from frontline resolution to investigation

If frontline resolution was tried but the customer remains dissatisfied, they can ask for their complaint to be investigated. This may be immediately on communicating the decision at the frontline stage or could be some time later, in which case the complaint will need to be re-opened on receiving the request for investigation. As soon as this request is received, the complaint should be passed for investigation.

Timescales 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

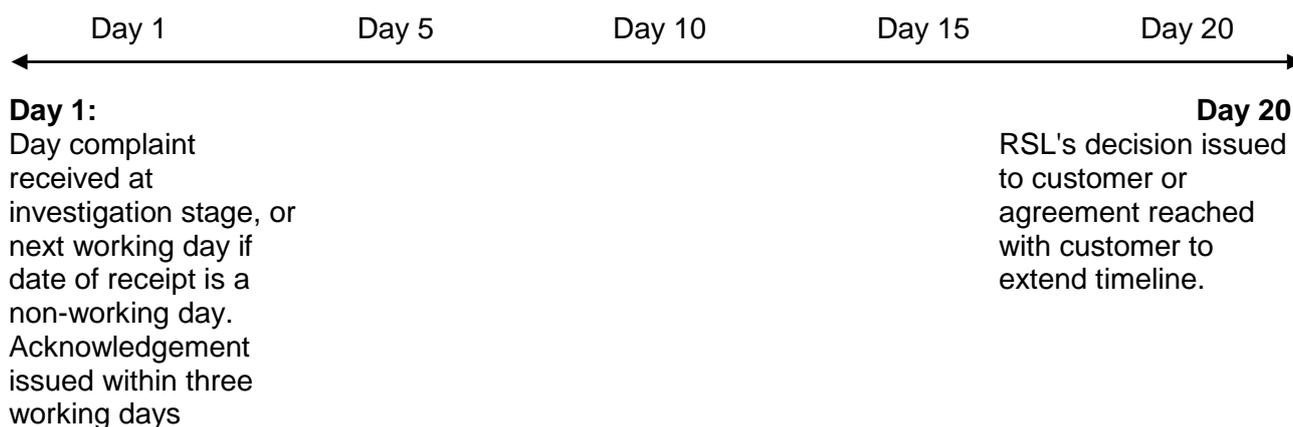
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- 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, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

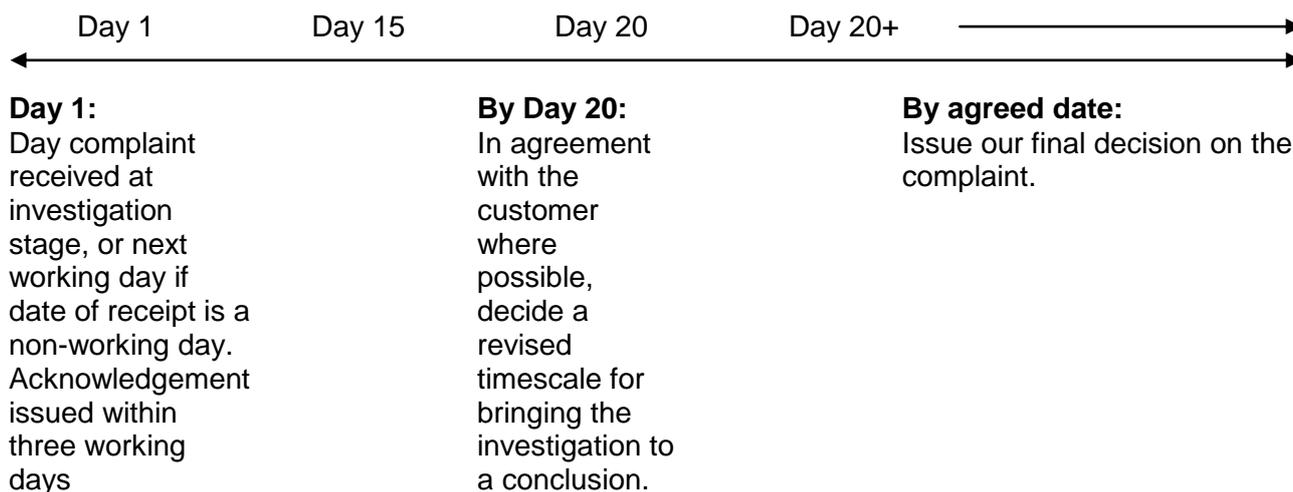
Investigation

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.

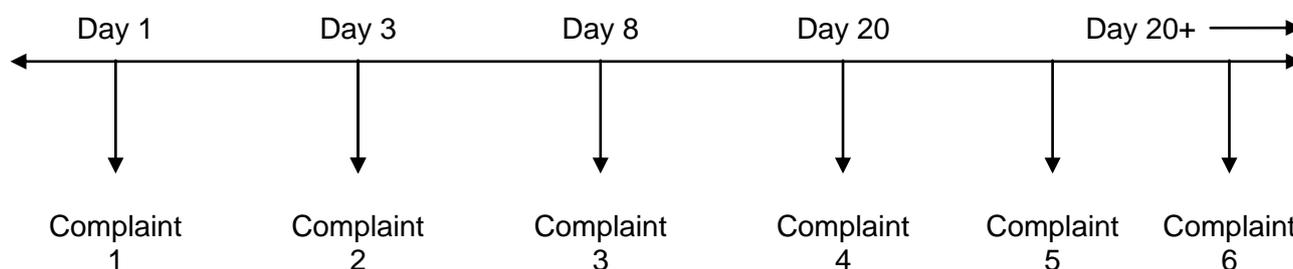


Exceptionally you may need longer than the 20-day limit for a full response. If so, you should explain the reasons to the customer, and agree with them a revised timescale.



Timescale 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 – is straightforward and we can resolve it by an on-the-spot explanation and, if appropriate, an apology. Such a complaint can be resolved on day 1.

Complaint 2 – is also straightforward and needs little or no investigation. Resolution is reached at day three of the frontline resolution stage.

Complaint 3 – refers to a complaint that we considered appropriate for frontline resolution. We did not resolve it in the required time of five working days. However, we authorised an extension because there was a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

Complaint 4 – was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the customer within the 20-day limit.

Complaint 5 – we considered complaint 5 at the frontline resolution stage but a 5-day extension was authorised. At the end of the frontline stage the customer was still dissatisfied. At their request, 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 – we considered complaint 6 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 – Hillhead Housing Association 2000 - The complaints handling procedure flow chart

