



**Clydesdale Housing Association**

**Policy name & number**

**08\_G & A  
Complaints Policy**

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**Policy by**

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**Responsible Officer**

**Depute Chief Executive**

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages

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## **1. Introduction**

- 1.1 Clydesdale Housing Association is committed to delivering high quality services to customers and to continually improve those services based on customer feedback, the latest good practice and available guidance.
- 1.2 We have arrangements in place to obtain immediate feedback from customers, where possible at the point of service delivery, in order to influence the positive development of services provided by the Association.
- 1.3 This document provides details of how anyone can express dissatisfaction with our services through making a complaint and how individuals or groups can appeal against any of our decisions or activities. We would encourage people to approach Clydesdale informally to resolve issues in the first instance, however, where the outcome of this approach is unsatisfactory they can progress their complaint formally using the Association's Complaints and Appeals Procedure.

## **2. Policy Background**

- 2.1 The following reference documents have been considered and drawn from in developing this Policy:
  - The Scottish Public Services Ombudsman model complaints handling procedure
  - The Scottish Social Housing Charter
  - The Scottish Public Services Ombudsman Act 2002
  - The Housing Scotland Act 2001
  - The Equality Act 2010

## **3. Policy Objectives**

- 3.1 Clydesdale's Complaints and Appeals Policy objectives are as follows:
  - To deal fairly and effectively with anyone wanting to appeal against, or complain about, any of our decisions or activities.
  - To empower staff to resolve complaints and appeals, especially in the early stages of the process.
  - To make it clear that people can complain about us to the Scottish Public Services Ombudsman.
  - To use customer feedback from complaints to positively influence the development of services provided by Clydesdale.

## **4. Measuring Success**

- 4.1 Success or otherwise in achieving these policy objectives will be measured through the following activities:
  - We will routinely check the quality of decision-making in complaints and appeals.
  - We will monitor equality issues in complaints and appeals to ensure that there is no bias or prejudice in decision-making.

- We will monitor and report on the number and type of complaints and appeals, efficiency of response, trends, outcomes and equality issues.
- We will obtain and act upon feedback from customers and partners on the accessibility, fairness and effectiveness of the complaints and appeals process.
- We will publicise our complaints and appeals procedure widely.
- We will include information in all our documents and letters regarding our services about our procedures for dealing with complaints and appeals.
- All correspondence responding to a complaint will include information regarding the right to complain to the Scottish Public Services Ombudsman, the time limit for making a complaint and the Ombudsman's contact details.
- We will record and report on policies or procedures that have been improved upon as a result of obtaining feedback through the complaints and appeals process.

4.2 A summary of Clydesdale's activity in dealing with complaints and appeals will be published annually in the Association's Newsletter and Annual Report.

## **5. Who Can Make Complaints or Appeals?**

- 5.1 Complaints or appeals can be made by anyone who has received a service from Clydesdale or by anyone affected by a decision we have made.
- 5.2 Tenants, sharing owners, members of the Association, Management Committee Members, housing applicants, owners receiving factoring services and people living next to Clydesdale's properties are some examples of those who can lodge a complaint or appeal.
- 5.3 We will accept complaints or appeals from someone representing any of the above parties where they need support from someone in taking the matter forward. Permission in writing from the person affected should be obtained and presented to the Association along with any complaint or appeal.
- 5.4 Anonymous complaints by their nature prevent us from responding directly to the complainant, however, where these are of a serious nature we will investigate them and take the necessary action to resolve problems.
- 5.5 We will publicise complaints and appeals procedure widely including a display in our reception area, a section within our Tenants Handbook and regular features in our quarterly Newsletter.
- 5.6 Continuous or malicious complaints can impact adversely on the services we provide. The Association's approach to dealing with these is detailed in our Policy on Unacceptable Actions Policy.

## **6. What Can be Complained About?**

- 6.1 We will consider complaints or appeals on matters relating to services provided by or on behalf of Clydesdale Housing Association or in relation to any of our decisions or activities.

- 6.2 We will consider all complaint or appeals that refer to issues that affected you or that you found out about within the last 12 months.
- 6.3 In short, a complaint is ‘an expression of dissatisfaction that needs a response.’

Examples of issues where a complaint or appeal will be considered by Clydesdale:

- Where services provided have not been to an acceptable standard.
  - Where the behaviour of a member of our Management Committee, staff or another person providing services on our behalf (e.g. a tradesman) has been unacceptable.
  - Where someone affected by a decision made by the Association disagrees with that decision.
- 6.4 The complaints and appeals process should not be used to report repairs or neighbour nuisance, but can be used to complain about unsatisfactory service levels connected with such matters, e.g. repairs are taking too long to be completed or there has been no feedback given on what has been done to remedy the behaviour of a problem neighbour. It should not be used where there is a separate appeals process such as Allocations.
- 6.5 Reports of neighbour nuisance will be prioritised in accordance with the Anti-Social Behaviour Policy.
- 6.6 Claims relating to insurance, compensation or alleged negligence are not covered by this policy. Those affected by these issues should make their claims to the Association’s Chief Executive. In these circumstances the Association may need to obtain legal advice before responding to claims.
- 6.7 Where a member of the public or an Association staff member has concerns regarding possible improper conduct by a staff or committee member, the Association’s Whistleblowing Policy should be invoked. The Whistleblowing Policy provides clear guidance on who to contact in certain circumstances. Where it is inappropriate to contact the Association directly regarding possible improper conduct, the Association’s regulator should be informed – The Scottish Housing Regulator, Europa Building, 450 Argyle Street, Glasgow, G2 8LG. Phone 0141 246 5642 or on-line [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)).

## **7. Equal Opportunities**

- 7.1 Clydesdale Housing Association operates under the overarching duty of a Registered Social Landlord to provide housing accommodation and related services in a manner which encourages equality of opportunity and in particular the observance of equal opportunity requirements as specified in the Housing (Scotland) Act 2001 and the Equalities Act 2010.
- 7.2 No person or group of persons applying for housing will be treated less favourably than other persons or group of persons because of their Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex and Sexual Orientation.

## **8. Stage one**

### **Frontline resolution**

- 8.1 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.
- 8.2 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
- 8.3 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.
- 8.4 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.
- 8.5 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.

## **9. Stage two**

### **Investigation**

- 9.1 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 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.
- 9.2 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 our final position.

## **10. Independent external review**

- 10.1 Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
- 10.2 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), as well as the way we have handled the complaint.

- 10.3 A leaflet about the Ombudsman is available from the Association's offices or from the above address. The Ombudsman can generally look at complaints where something has gone wrong in a service or function administered by or on behalf of the Association (which could include work carried out for us by contractors). There are some restrictions to this but the Ombudsman's staff will be able to tell you more when they receive your complaint.
- 10.4 The Ombudsman will normally only look at complaints made within 12 months of the date that you became aware of the matter about which you are complaining.
- 10.5 The Ombudsman can recommend remedies and redress to be made to those who have submitted complaints.
- 10.6 The Chief Executive will oversee all details of the Association's part in an Ombudsman's enquiry.
- 10.7 Details of all Ombudsman's enquiries will be reported to the Management Committee.

## **11. Significant performance failures**

- 11.1 The Scottish Housing Regulator (SHR) has a duty to consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systemic problem that does, or could, affect all of a landlord's tenants. 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.

## **12. Remedies & Improving Services**

- 12.1 Clydesdale will use the feedback we receive from complaints and appeals to influence how we develop the services we provide.
- 12.2 Where a complaint has been upheld by this Policy a range of remedies may be implemented including an apology, explanation of what caused the failure, provision of the services requested and/or an agreement to change our procedures.

- 12.3 The regular complaints and appeals reporting to Management Committee will monitor the number and type of complaints and appeals, efficiency of response, trends, outcomes and equality issues.
- 12.4 An analysis included within these reports will identify systemic failures which require to be corrected in order to prevent further failures occurring.
- 12.5 In more serious cases, or where we receive repeated complaints against a particular service area, complete service reviews may be undertaken involving service users.

**13. Confidentiality**

- 13.1 The Association will seek to protect the confidentiality of the complainant whilst being able to disclose information necessary to consider the complaint.

**14. Policy Review**

- 14.1 Clydesdale will review this policy regularly to ensure the Association's approach to complaints learns from customer experiences, good practice, guidance and legislative changes.

<b>Approved by the Committee of Management on:</b>	
<b>Signed:</b>	<b>Signed:</b>
<b>Secretary/Chairperson</b>	<b>Chief Executive/Senior Staff Member</b>