

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: Complaints Policy

Date: 31 March 2021

Lead Officer: Chief Executive

Review Date: 1st April 2024

Regulatory Standard 1:

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Regulatory Standard 2:

The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

2.1 The RSL gives tenants, service users and other stakeholder's information that meets their needs about the RSL, its services, its performance and its future plans.

2.3 The governing body is open and transparent about what it does, publishes information about its activities and, wherever possible, agrees to requests for information about the work of the governing body and the RSL.

Housing Charter:

2: Communication

Social landlords manage their businesses so that:

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

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 language.

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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 Handling 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 revised 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 Policy objectives are as follows:
 - To deal fairly and effectively with anyone wanting to complain about, any of our decisions or activities.
 - To empower staff to resolve complaints, 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.
 - To fully comply with the Association's Complaints Handling Procedure

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.

- We will monitor equality issues in complaints to ensure that there is no bias or prejudice in decision-making.
- We will monitor and report on the number and type of complaints, 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 process.
- We will publicise our complaints and appeals procedure widely.
- All correspondence responding to a complaint will include information regarding the right to complain to the Scottish Public Services Ombudsman, 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 will be published quarterly in newsletters, and annually in the Association's Annual Report and on the website.

5. Who Can Make A Complaint?

- 5.1 Complaints 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,, housing applicants, owners receiving factoring services and people living next to Clydesdale's properties are some examples of those who can lodge a complaint .
- 5.3 We will accept complaints 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 .
- 5.4 Anonymous complaints by their nature prevent us from responding directly to the complainant, however, we will log these to see if any trends are developing and especially where these are of a serious nature we will investigate them and take the necessary action to resolve problems.
- 5.5 We will publicise our complaints 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 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 complaints that affected the customer 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 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 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 Tenancy Management 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, Buchanan House, 58 Port Dundas Road Glasgow G4 0HF. Phone [0141 242 5642](tel:01412425642) or on-line 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. General Data Protection Regulations

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing
- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.

Further information is available by viewing the Association's Privacy Policy.

9. Stage one Frontline Complaints

- 9.1 Frontline complaints are straightforward and require little or no investigation. Any member of staff may deal with complaints at this stage.
- 9.2 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
- 9.3 In practice, frontline complaints 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.

- 9.4 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 will be explained that, as an organisation that values complaints, we may use the information given when we review service standards in the future.
- 9.5 A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. We will also consider where a complaint has been made through the direct messaging facility on Facebook.

10. Stage two Investigation

- 10.1 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.
- 10.2 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.

11. Independent external review

- 11.1 Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
- 11.2 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.
- 11.3 In every outcome letter that is sent or e-mailed details of how to contact the Ombudsman is added. 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).
- 11.4 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.
- 11.5 The Ombudsman can recommend remedies and redress to be made to those who have submitted complaints.

11.6 Details of all Ombudsman's enquiries will be reported to the Management Committee.

12. Significant performance failures

12.1 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.

13. Remedies & Improving Services

13.1 Clydesdale will use the feedback we receive from complaints and appeals to influence how we develop the services we provide.

13.2 Where a complaint has been resolved, upheld or partially 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.

13.3 The regular complaints report to the Management Committee will monitor the number and type of complaints and Ombudsman appeals, efficiency of response, trends, outcomes and equality issues.

13.4 An analysis included within these reports will identify systemic failures which require to be corrected in order to prevent further failures occurring.

13.5 In more serious cases, or where we receive repeated complaints against a particular service area, complete service reviews may be undertaken involving service users.

14. Confidentiality

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

15. Policy Review

15.1 The Association will review this policy every three years unless there are changes to good practice, guidance and legislative changes.

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