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| <b>Policy on:</b>                                     | <b>Complaints</b>  |
| <b>Compliant with Charter Outcomes and Standards:</b> | Yes  |
| <b>Compliant with Equalities:</b>                     | Yes – Equalities Impact Assessment complete  |
| <b>Compliant with Business Plan:</b>                  | Yes  |
| <b>Compliant with Risk:</b>                           | Low - If the policy is followed, the management of Risk will be reduced in terms of delivering effective response to customer complaints and using complaint to drive service improvement. |
| <b>Date for Approval:</b>                             | <b>April 2022</b>  |
| <b>Date for Review:</b>                               | <b>April 2025</b>  |
| <b>Responsible Officers:</b>                          | <b>Housing Services Manager</b>  |



## 1. Contents

|     |   |    |
|-----|---|----|
| 1.  | <i>Policy Purpose</i> .....   | 3  |
| 2.  | <i>Policy Statement</i> .....   | 3  |
| 3.  | <i>Policy Scope</i> .....   | 3  |
| 4.  | <i>Supporting Policies and Procedures</i> .....                           | 4  |
| 5.  | <i>Roles and Responsibilities</i> .....                                   | 5  |
| 6.  | <i>Complaints Process and Service Standards</i> .....                     | 5  |
| 7.  | <i>Complaints about Shire Housing Association Staff and Board Members</i> | 7  |
| 8.  | <i>Redress and Compensation</i> .....                                     | 7  |
| 9.  | <i>Unacceptable Actions</i> .....   | 8  |
| 10. | <i>Confidentiality and Data Protection Statement</i> .....                | 8  |
| 11. | <i>Publicising the Complaints Policy and Our Performance</i> .....        | 9  |
| 12. | <i>Equality and Diversity</i> .....                                       | 9  |
| 13. | <i>Feedback and Complaints</i> .....                                      | 10 |
| 14. | <i>Performance Management and Learning from Complaints</i> .....          | 10 |
| 15. | <i>Policy Review</i> .....  | 10 |
|     | Appendix 1 Complaint Handling Flowchart.....                              | 11 |

This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.



## 2. Policy Purpose

To describe how Shire Housing Association will deal with customer complaints and the standards customers can expect from us.

- To promote quick resolution of complaints at the point of service delivery wherever possible, with detailed investigations reserved for more complex or serious complaints.
- To make sure Shire Housing Association learns from complaints and makes improvements that will benefit our customers.
- To meet the complaints handling standards set by the Scottish Public Services Ombudsman (SPSO) and in the Scottish Social Housing Charter.

## 3. Policy Statement

Shire Housing Association is determined to resolve complaints to the satisfaction of the customer, where we can reasonably do so. We will encourage and welcome complaints from our customers and will use complaints to help us to:

- Address dissatisfaction expressed by customers
- Put right failures or omissions on our part
- Learn and take action to help improve our service delivery and performance.

Shire Housing Association' approach to complaints handling will be based on the following statement of principles. We expect all our team to follow these principles if they are involved in investigating or resolving customer complaints.

Shire Housing Association has adopted the complaints handling principles and procedures published by the Scottish Public Services Ombudsman. We will also comply with the Scottish Social Housing Charter and the associated information and regulatory requirements published by the Scottish Housing Regulator.

## 4. Policy Scope

Shire Housing Association will consider complaints from the following people:

- Anyone who receives or requests a service from Shire Housing Association  
Example: Shire Housing Association tenants and factored owners
- People seeking to use our services Example: people who have applied to us for housing
- Others who could be affected by the actions of Shire Housing Association Example: people who live beside our housing



- Customers can ask another person or agency to make a complaint on their behalf, if they give us a Representation Mandate to show they have authorised the arrangement. A mandate is not needed if the person acting on the customer's behalf is an elected representative, i.e., a Councillor, MSP, MP or MEP.

The Complaints Policy and procedure can be used to express dissatisfaction with most aspects of Shire Housing Association' service delivery, such as:

- Service failure, such as providing an inadequate service or no service at all
- Dissatisfaction with a Shire Housing Association policy
- Disagreement with a decision we have made (unless a separate appeals procedure is available)
- Unacceptable behaviour by a staff or board member or a contractor (this includes how we have treated customers and the attitude shown towards them)
- Failure to follow the appropriate administrative process, including Shire Housing Association' own policies and procedures
- Failure to respond to enquiries and requests in a timely way
- Failure to provide information, or providing information and advice that is unreliable or incorrect
- Unfairness, bias or prejudice in service delivery Issues that could affect some or all Shire Housing Association tenants (known as a "Significant Performance Failure", as defined by the Scottish Housing Regulator)

Some issues are not covered by the complaint's procedure, but in some cases can be addressed through more appropriate procedures

- Challenging a housing decision where there is another appeal route available
- Complaints against other tenants (these will be investigated using our Anti-Social Behaviour Policy)
- A routine first-time request for a service, or a first-time interaction that successfully addresses concerns expressed by a customer who does not wish to make a complaint
- A query or dispute regarding a bill or invoice (unless the query or dispute has not been resolved and the customer wishes to pursue a complaint)
- A communication issue being reported for the first time
- A request for compensation only
- An issue that is in court or that has already been heard by a court or a tribunal
- Asking to reopen a previously concluded complaint, or to have a complaint reconsidered after our final decision.

Customers may refer their concerns to the Scottish Public Services Ombudsman after Shire Housing Association has made its final decision.

## 5. Supporting Policies and Procedures



There are several supporting policies and procedures to our Complaints Policy that include:

- Data and GDPR Protection Policy
- Freedom of Information Policy
- Unacceptable Actions Policy
- Decant, Home Loss and Redress Policy
- Tenancy Management Policy
- Common Housing Allocations Policy
- Complaint Handling Procedure (Scottish Public Service Ombudsman)

## 6. Roles and Responsibilities

Our procedure for complaints handling may involve several teams and individuals within Shire Housing Association, depending on the nature of the complaint. Resolving a complaint will often involve joint working between the relevant service team and the customer experience team.

The following framework of responsibilities shall apply:

|                               |  |  |
|-------------------------------|--|--|
| Board of Management           | Approval of Policy and formal adoption of Complains Handling Procedure   | Monitoring complaints performance and any underlying causes and improvement actions  |
| Senior Leadership Team        | Monitors the operation of the policy across the organisation and is kept appraised of complaints that are serious, high risk or high profile | Is accountable to the Board for policy implementation (overall complaint resolution and organisational learning)                                     |
| Management Team               | Ensures implementation of the complaints policy and procedures. Respond to all Stage 2 complaints.   | Review complaints reasons and outcomes regularly and assesses improvement opportunities for learning and service improvement                         |
| Shire Officers and Assistants | For stage 1 complaints, identify complaints and seek to resolve in the spot.   | On notification of a Stage 2 complaint or where a Stage 1 cannot be resolved at the frontline, support the assessment, and respond within timescales |

## 7. Complaints Process and Service Standards

This section provides a short overview of the process and the service standards our customers can expect if



they make a complaint. We are required to follow the standards set by the Scottish Public Services Ombudsman within their Complaint Handling Procedures. Appendix 1 summarises the complaints process in flowchart format.

There are two main elements to Shire Housing Association' internal consideration of complaints:

- Frontline resolution (also known as Stage 1 complaints)
- Investigation (also known as Stage 2 complaints).

Complaints should be resolved on the spot with the customer, wherever possible. Remedies may include an apology and immediate action to rectify a failure or error on our part. Otherwise, the complaint will be reviewed with the aim of resolving it as soon as possible and within a maximum of 5 working days.

As we aim to resolve Stage 1 complaints at the frontline, we will only provide customers with a written response at their request or where we have not been able to resolve on the spot. We may escalate a complaint to the investigation stage if it is too complex for frontline resolution or if the customer is dissatisfied with a Shire employee.

For Stage 2 complaints, we will provide the customer with a written acknowledgement within 3 working days of receiving their complaint or of our decision to escalate a complaint to the investigation stage.

The customer will receive contact details for a named officer responsible for resolving the complaint, and when a full response will be provided. a maximum of 20 working days. If this timescale cannot be met, we will give the customer an explanation which may include mutually agreement to extend the maximum 20 working days.

The customer will be advised that our response represents the end of Shire Housing Association' complaints procedure and of their right to seek an independent review of our decision by the SPSO. For Stage 2 complaints, our response will advise the customer of any relevant bodies they can approach, in addition to the SPSO. This may include the Care Commission or, for factored owners, the First-tier Tribunal for Scotland (Housing and Property Chamber).

Our response shall include the promise to take follow-up action where necessary. If the resolution of a complaint commits us to taking follow-up action, we will make sure that the actions are monitored and carried out within the agreed timescales. If we fail to deliver the agreed actions or timescales, the customer will be entitled to submit a new complaint.

Customers have the right to appeal a wide range of housing decisions. We will always direct customers to the appropriate appeals procedure if they are dissatisfied with our decisions on any the following matters:



Tenancy succession or assignation - Suspending a housing application  
Medical priority for rehousing - Granting a Short Scottish Secure Tenancy

## 8. Complaints about Shire Housing Association Staff and Board Members

Line managers will deal with any complaints about members of staff (for example, relating to a staff member's attitude or the quality of their work) in accordance with the relevant terms and conditions of employment and HR policies.

If a complaint relates to the Director, the matter will be dealt with by the Board of Management. If a complaint about the Director is of a serious nature, we will follow the advice set out in the Scottish Housing Regulator's regulatory expectations.

Serious complaints about Board members or other senior staff will be treated as Notifiable Events and may be investigated independently (this will always be the case for serious complaints that relate to the Chairperson or Director).

Shire Housing Association staff members will be able to raise concerns using Shire Housing Association's grievance procedures and Policy on Whistleblowing.

## 9. Redress and Compensation

Shire Housing Association will consider what form of redress is appropriate, taking account of the circumstances of a complaint.

The types of redress that can be considered are set out in Shire Housing Association's Decant, Home Loss and Redress Policy and may include:

- An apology
- Follow-up action to remedy the problem that led to the complaint
- An explanation of why the issue occurred and what will be done to stop it happening again
- A goodwill gesture such as flowers, chocolates, or a gift voucher
- Correction of information held on our systems
- Financial compensation, in the circumstances permitted by the Policy

Shire Housing Association may make discretionary payments following capital or void works, or where a customer has suffered an element of inconvenience, distress or pain and suffering. The most relatively skilled Manager will assess entitlement to compensation and provide recommendations to the officer or manager leading on the complaint

Financial Compensation Claims for compensation are considered separately from complaints which includes

the provision for us to deal with some types of claims for damages or loss under Shire Housing Association' insurance policies.

Consideration of complaints must not be used as a reason for delaying statutory compensation. For example, payments under the Right to Repair scheme; the Right to Compensation for Improvements; and Home Loss and Disturbance Payments.

## 10. Unacceptable Actions

Shire Housing Association has a policy on Unacceptable Actions that outlines what we consider to be unacceptable actions and how we will deal with situations.

It is appreciated that people may act out of character at times of trouble or distress. However, Shire Housing Association will not tolerate aggressive or abusive behaviour towards our staff, nor will we accept conduct that results in unreasonable levels of contact that adversely affect our service to other customers.

Staff who directly experience aggressive or abusive behaviour have the authority to deal immediately with that behaviour. This may lead to us having to consider restricting contact with a customer. If we do this, we will base our approach on the Unacceptable Actions Policy and a Manager will authorise the course of action that is proposed. We will advise the customer that a decision has been made to restrict future contact, the contact arrangements that will apply and, if relevant, the length of time that the restriction will be in place.

## 11. Confidentiality and Data Protection Statement

Shire Housing Association will treat all complaints we receive as confidential unless we have a legal obligation to disclose information to a third party such as the Police.

We will do our best to investigate anonymous complaints that clearly state the matters of concern. However, our ability to investigate will be greater if we know the identity of the person making the complaint and are able to discuss the matter with them.

Within Shire Housing Association, information will be shared among staff members on a need-to-know basis so that we can establish the facts and decide how to respond to a complaint.

When responding to a complaint, we will:

- Address all areas that Shire Housing Association is responsible for, and
- Explain the reasons for our decision.





For Stage 2 complaints, our response will advise the customer of any relevant bodies they can approach, in addition to the SPSO. This may include the Care Commission or, for factored owners, the First-tier Tribunal for Scotland (Housing and Property Chamber).

Where there are associated unacceptable actions by a customer there may be some cases where we need to contact other tenants or staff members to investigate or resolve a complaint.

We will respect the customer's wishes if they ask us not to speak to individuals, although this may restrict our ability to resolve the problem.

Our response to complaints will generally not disclose personal information about other individuals, such as other customers or Shire Housing Association employees, unless there are exceptional circumstances and disclosure has been authorised by our Legal Officer.

We will advise customers whether a complaint they have made has been upheld or not but will not provide specific details beyond this about our employees or customers.

## **12. Publicising the Complaints Policy and Our Performance**

Shire Housing Association will actively publicise the Complaints Policy and procedures to our customers, for example in newsletters, our annual report and on our website. We will also use these channels to communicate our performance in complaints handling.

We will provide information and assistance to any customer seeking help with making a complaint remaining sensitive to customers' particular needs. We will also signpost customers to other support or advice services, such as citizens advice, advocacy groups, elected representatives etc.

All staff at Shire Housing Association shall be able to provide details of our complaints policy and procedures to our service users

## **13. Equality and Diversity**

This Policy complies fully with Shire Housing Association' Equality and Diversity Policy. Shire Housing Association will be proactive in valuing and promoting diversity, fairness, social justice, and equality of opportunity by adopting and promoting fair policies and procedures.

We are committed to providing fair and equal treatment for all our stakeholders including customers and will not discriminate against anyone on the grounds of age;



disability; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; race; religion and belief; sex; and sexual orientation.

We carry out Equality Impact Assessments when we review our policies and check policies and associated procedures regularly to ensure accessibility for all. We take appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

## **14. Feedback and Complaints**

Shire Housing Association strives to always provide an excellent customer service and welcomes feedback and comments from our customers. We will seek feedback via our website, e-mail, in writing and verbally to learn from service users' experiences, using them to shape and develop our service.

We operate a Complaints Policy that is open and transparent, should any customer or service user feel the need to make a complaint against an individual or the organisation, the complaints policy and procedure will be implemented. All complaints will be recorded and dealt with under Complaints Policy and Procedures, which meet the requirements of the Scottish Public Services Ombudsman.

## **15. Performance Management and Learning from Complaints**

Shire Housing Association will maintain a structured system for recording and reporting on complaints. We will use the information gathered to measure performance, identify trends, and contribute to an ethos of continuous improvement in service delivery.

The Executive Management Team and the Board's Performance and Services Committee will receive regular performance reports describing

In addition to the annual submission of performance against the Annual Return on the Charter to the Scottish Housing Regulator, the Management Board will review and approve agreed Key Performance Indicators and targets on an annual basis and outcomes will be monitored at quarterly meetings

## **16. Policy Review**

We have consulted with our customers in preparing this updated version of the Complaints Policy. This policy will be reviewed in its entirety every 3 years, unless an earlier review is required due to changes in legal, regulatory, or best practice requirements, or because monitoring and reporting reveals that a change in policy is required sooner.



## Appendix 1 Complaint Handling Flowchart

### Complaint's procedure

You can make your complaint in person, by phone, by email or in writing.  
We have a **two-stage complaints procedure**.

We will always try to deal with your complaint quickly but if the matter will need investigation, we will tell you and keep you updated on our progress.



### Stage 1: Frontline response

We will always try to resolve your complaint quickly, within **5 working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.



### Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if they need investigation.

We will acknowledge your complaint within **3 working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.



### Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

There are some complaints about housing that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

