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## COMPLAINTS POLICY & PROCEDURE

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<b>Title:</b>	Complaints Policy & Procedure
<b>Purpose of procedure:</b>	To provide clear details of the steps to take when experiencing a problem
<b>Section:</b>	General
<b>Date:</b>	April 2024
<b>Review date:</b>	April 2027
<b>Reference:</b>	Scottish Public Services Ombudsman Model Complaints Handling Procedure
<b>Regulatory Standards:</b>	Standards 2.21 & 2.2  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.

# **BLAIRTUMMOCK HOUSING ASSOCIATION**

## **COMPLAINTS POLICY & PROCEDURE**

- 1. Introduction**
- 2. Legal Framework**
- 3. What is a complaint?**
- 4. What can I complain about?**
- 5. What can't I complain about?**
- 6. Who can complain?**
- 7. How do I complain?**
- 8. How long do I have to make a complaint?**
- 9. What happens when I have complained?**
- 10. What if I'm still dissatisfied?**
- 11. Reporting a significant performance failure**
- 12. Getting help to make a complaint**
- 13. Monitoring, responding and learning from complaints**
- 14. Redress**

**Appendix 1 - Quick Guide to Complaints Procedure**

**Appendix 2 - Complaint Form**

## 1.0 INTRODUCTION

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- 1.1 Blairtummock Housing Association (BHA) is committed to providing high-quality customer services.
- 1.2 We value complaints and use information from them to help us improve our services.
- 1.3 Blairtummock Housing Association has adopted the Scottish Public Services Ombudsman (SPSO) Model Complaints Handling Procedure. If something goes wrong or you are dissatisfied with our services, please tell us. This policy describes our complaints procedure and how to make a complaint. It also tells you about our service standards and what you can expect from us.
- 1.4 **Equal Opportunities & Human Rights Statement**

We aim to ensure that all services, including the delivery of this policy, provide equality of opportunity.

We will respond to the different needs and service requirements of individuals. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

## **2.0 LEGAL FRAMEWORK**

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- 2.1 We recognise our duty to comply with the Scottish Public Services Ombudsman (SPSO) Model Complaint Handling Procedures as outlined in the SPSO Act 2002.
- 2.2 The policy and associated procedures also complies with the Scottish Social Housing Charter outcomes and Scottish Housing Regulators regulatory requirements.

### **3.0 WHAT IS A COMPLAINT?**

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- 3.1 We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

## 4.0 WHAT CAN I COMPLAIN ABOUT?

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### 4.1 You can complain about things like:

- delays in responding to your enquiries and requests
- failure to provide a service
- our standard of service
- dissatisfaction with our policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure
- lack of provision or the provision of misleading, unsuitable, incorrect advice or information
- a repair which has not been carried out properly or in an agreed timeframe
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process

Your complaint may involve more than one of our services or be about someone working on our behalf.

## 5.0 WHAT CAN'T I COMPLAIN ABOUT?

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5.1 There are some things we can't deal with through our complaints procedure. These include:

- a routine first-time request for a service, for example reporting a problem that needs to be repaired or initial action on anti-social behaviour
- requests for compensation
- our policies and procedures that have a separate right of appeal, for example, if you are dissatisfied with the level of priority you have been given when applying for a house, you may have the right to appeal against the decision
- issues that are in court or have already been heard by a court or a tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our **final** decision following a stage 2 investigation. If you are still not satisfied, you can ask the Scottish Public Services Ombudsman for an independent review of the complaint
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern about a child or an adults safety

5.2 If other procedures or rights of appeal can help you resolve your concerns we will give information and advice to help you.

## 6.0 WHO CAN COMPLAIN?

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- 6.1 Anyone can make a complaint to us, including the representative of someone who is dissatisfied with our service, for example a relative, friend, advocate or adviser.

The Association wishes to ensure there are no barriers in accessing its services. Relevant documents can therefore be translated into a range of languages on request. We will also ensure that translation services are available for those who wish more detailed information and to assist those who wish to make personal enquiries. For anyone with visual impairment relevant documents can also, on request, be made available in larger print, on tape, in Braille or on any format required.

- 6.2 If you are making a complaint on someone else's behalf, you will normally need their written consent: Please also read the section on 'Getting help to make your complaint'.
- 6.3 We take all complaints, including those made anonymously. Staff must therefore consider anonymous complaints if there is sufficient information to allow them to make further enquiries. If the complaint does not provide enough information staff may decide not to pursue it.



## 7.0 HOW DO I COMPLAIN?

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7.1 You can complain in person at our office, 45 Boyndie Street, Glasgow G34 9JL, by phone, in writing, email or by using our complaints form (Copy Attached Appendix 2). Which is also available to download at the complaints section on our website [www.blairtummock.org.uk](http://www.blairtummock.org.uk)

7.2 It is easier for us to resolve complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve any problems on the spot.

7.3 When complaining, tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter.

## **8.0 HOW LONG DO I HAVE TO MAKE A COMPLAINT?**

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8.1 Normally, you must make your complaint within six months of:

- the event you want to complain about, or
- finding out that you have a reason to complain, but no longer than 12 months after the event itself.

8.2 In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

## 9.0 WHAT HAPPENS WHEN I HAVE COMPLAINED?

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9.1 We will always tell you who is dealing with your complaint. Our complaints procedure has two stages:

### 9.2 Stage one – Frontline Resolution

9.2.1 We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

9.2.2 We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

9.2.3 If we can't resolve your complaint at this stage, we will explain why. If you are still dissatisfied you can ask for your complaint to be investigated further through stage 2. You may choose to do this immediately or some time after you get our initial response. We can help you with making this request.

You must normally ask us to consider your complaint at Stage 2 either:

- within six months of the event you want to complaint about or;
- finding out that you have a reason to complaint or;
- within two months of receiving your stage 1 response (if this is later)

### 9.3 Stage two – investigation

9.3.1 Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead. We will automatically escalate the following complaints to stage 2:

- if complaint is complex

- serious failures
- risk to tenant safety
- high risk/high profile
- breaches equality policy

#### 9.3.2 When using stage 2 we will:

- acknowledge receipt of your complaint within three working days
- discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- give you a full response to the complaint as soon as possible and within 20 working days.

9.3.3 If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

#### **9.4 Supporting staff who are subject to complaints:**

If a complaint is about actions of a particular staff member, we will:

- Share relevant complaint information with them
- Outline how the complaint will be handled, how the staff member will be updated, and how they will be told of complaint response
- Sign-post the member of staff to relevant information and support (must not be anyone involved in the investigation)

## 10.0 WHAT IF I'M STILL DISSATISFIED?

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10.1 After we have fully investigated, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

10.2 The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure (**so please make sure it has done so before contacting the SPSO**)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

You can contact the SPSO:

In Person:

SPSO

Bridgeside House

99 McDonald Road

EDINBURGH

EH7 4NS

(If you visit in person you must make an appointment first)

By Post

SPSO

Freepost EH641

EDINBURGH

EH3 0BR

Freephone: 0800 377 7330

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

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

10.3 The SPSO is an independent organisation that investigates complaints. They are not an advocacy or support service. The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint

### 10.4 Complaints about Factoring

The SPSO does not normally look at complaints about our factoring service. Housing & Property Chamber First-Tier Tribunal for Scotland will try to resolve complaints and disputes between home owners and property factors. So if your complaint is about a factoring service, and you are still dissatisfied after our investigation stage you will be able to go to the Housing & Property Chamber First-Tier Tribunal for Scotland.

For more details contact:  
Housing and Property Chamber  
First-Tier Tribunal for Scotland  
Glasgow Tribunals Centre  
20 York Street  
Glasgow  
G2 8GT

Telephone: 0141 302 5900

Web: [www.housingandpropertychamber.scot](http://www.housingandpropertychamber.scot)

## **11.0 REPORTING A SIGNIFICANT PERFORMANCE FAILURE TO THE SCOTTISH HOUSING REGULATOR**

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11.1 The Scottish Housing Regulator (SHR) can 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 systematic problem that does, or could, affect all of a landlord's tenants. If you are affected by a problem like this, you should first report it to us. If you have told us about it but we have not resolved it, you can report it directly to the SHR.

11.2 A complaint between an individual tenant and a landlord is not a significant performance failure. Significant performance failures are not, therefore, dealt with through this complaints handling procedure. You can ask us for more information about significant performance failures. The SHR also has more information on their website:

<http://www.scottishhousingregulator.gov.uk/>  
Factsheet for Tenants

Or you can phone them on: 0141 242 5642

## 12.0 GETTING HELP TO MAKE YOUR COMPLAINT

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12.1 We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

12.2 You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance or Citizens Advice Bureau.

**Scottish Independent Advocacy Alliance**

Tel: 0131 510 9410 Website: [www.siaa.org.uk](http://www.siaa.org.uk)

**Citizens Advice Scotland**

Website: [www.cas.org.uk](http://www.cas.org.uk)

Or check your phone book for your local bureau.

12.3 We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing please tell us. You can contact us on 0141 773 0202 or email us at [enquiries@blairtummock.org.uk](mailto:enquiries@blairtummock.org.uk), or in working to our office.



## **13.0 MONITORING, REPORTING AND LEARNING FROM COMPLAINTS**

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- 13.1 Complaints give us valuable information we can use to improve customer satisfaction.
- 13.2 Our complaints handling procedure enables us to address a customer's dissatisfaction and will help to prevent the same problems that led to the complaint from happening again.
- 13.3 For our staff, complaints provide a first-hand account of the service user's views and experience and can highlight problems we may otherwise miss.
- 13.4 Handled well, complaints can give our customers a form of redress when things go wrong and can also help us continuously improve our services.
- 13.5 The detail of complaints are analysed for trend information to ensure we identify any service failures and take appropriate action as soon as possible.
- 13.6 We report on complaints performance as follows:
- Committee Meetings – Quarterly performance and analysis of complaints
  - Publish on our website statistical data and analysis of complaints
  - Publish in our newsletters and on our website what actions we are taking as a direct result of our complaints
- 13.7 In addition, we also report our performance in handling complaints to the Scottish Housing Regulator through the Annual Return on the Charter (ARC). This includes performance information showing the volume of complaints and key performance details, for example the time taken to resolve complaints at each stage in the procedure. This information is publically available via the SHR's website [www.housingregulator.gov.scot/](http://www.housingregulator.gov.scot/)

## 14.0 REDRESS

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- 14.1 We acknowledge the role of complaints in providing customers with a form of redress, where we fail to meet their expectations. We note the SPDO guidance on redress, which advises service providers to, where possible, seek to re-instate an individual to the position they were in prior to the event which is the subject of the complaint.
- 14.2 This can include compensating for direct financial loss. In such cases we shall make an informed judgement of the level of financial hardship resulting from the event and experienced by the complainant in making and pursuing their complaint. Where a customer appears to have unrealistic expectations or submits a claim that we consider unreasonable, we may ask them to provide some form of substantiating evidence.
- 14.3 We note that redress can similarly involve providing an explanation and genuine apology through person contact and that often a person making a complaint seeks this rather than financial payments.

## APPENDIX 1

## QUICK GUIDE TO OUR COMPLAINTS PROCEDURE

### Complaints procedure

You can make your complaint in person, by phone, by e-mail or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.

### Stage 1: frontline resolution

We will always try to resolve your complaint quickly, within **five 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 it is clear that they are complex or need detailed investigation.

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

### The 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.

We will tell you how to do this when we send you our final decision.

## **APPENDIX 2**

**BLAIRTUMMOCK HOUSING ASSOCIATION**

**FORMAL COMPLAINT FORM**

**Name:** .....

**Address:** .....  
.....

**Telephone No:** .....

**In which capacity are you making this complaint:**

Tenant                   Applicant

Other                   (Please Specify) .....

**Please tell us what your complaint is about:**

.....  
.....  
.....  
.....

**(Please continue on separate sheet if necessary)**

**How would you like us to resolve this matter:**

.....  
.....  
.....  
.....

**Signed:** ..... **Date:** .....

Please return your completed complaint form to the Association's office and it will be passed to the appropriate person.

**YOUR COMPLAINT WILL BE TREATED SERIOUSLY AND IN THE STRICTEST CONFIDENCE**

**See over for Guidance Notes**

## GUIDANCE NOTES

If the problem has not been resolved informally, you should request a complaint form.

All returned complaint forms are dealt with at:

Stage 1 - by Frontline Member of Staff

Stage 2 - by Senior Member of Staff

Complaints about the Director should be sent to the Chairperson of the Management Committee.

We will give you our decision at Stage 1 in five working days or less, unless there is exceptional circumstances

We will give you our decision at Stage 2 in twenty working days or less, unless there is exceptional circumstances

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For Official Use Only

### STAGE 1

Recorded in register by: \_\_\_\_\_ Name of staff member

Acknowledgement letter sent by: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

### STAGE 2

Acknowledged receipt of complaint by: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Response sent on: \_\_\_\_\_

Complaint Resolved: Yes  No  Date: \_\_\_\_\_