

COR12	ADOPTED: 28.8.93	REVIEWED: 26.3.97; 29.3.00, 27.2.02; 26.5.04; 22.2.06; 28.2.07; 27.01.10; 29.08.12; 29.06.16;
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COMPLAINTS POLICY

1.0 INTRODUCTION

- 1.1 This policy describes our overall arrangements for dealing with complaints. The policy is supported by detailed procedures. Both the policy and procedures comply with:
- a) the Statement of Complaints Handling Principles produced by the Scottish Public Services Ombudsman (SPSO) under the Public Services Reform (Scotland) Act 2010 and published in January 2011 following approval by the Scottish Parliament;
 - b) the SPSO's Model Complaints Handling Procedure for Registered Social Landlords, published in April 2012 following approval by the Scottish Parliament.
- 1.2 The policy and procedures are also supported by guidance to staff on handling and recording complaints, and a public information leaflet giving those who wish to complain advice on what is and is not a complaint, how to complain, and how we will deal with and respond to their complaint (Appendix 1).
- 1.3 In accordance with our Equality and Diversity policy, we will where necessary produce our complaints leaflet in minority ethnic languages for those whose first language is not English, or in alternative formats to assist those with hearing or sight impairment. We will also provide translation facilities where required to assist at interviews and meetings.

2.0 THE SCOTTISH SOCIAL HOUSING CHARTER

The Scottish Government's Social Housing Charter came into force in April 2012. The Charter sets out the standards and outcomes that tenants can expect from social landlords, in terms of the quality and value for money of the services they receive, the standard of their homes, and opportunities for communication and participation in the decisions that affect them.

The relevant standards and outcomes for the Complaints Policy are:

Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that:

- Every tenant and other customer has their individual needs recognized, is treated fairly and with response, and receives fair access to housing and housing services.

Outcome 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.

Outcome 3: Participation

Social landlords manage their businesses so that:

- Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

3.0 COMPLAINTS HANDLING - PRINCIPLES

3.1 In implementing this policy and the supporting procedures we aim to comply with the SPSO Statement of Complaints Handling Principles, which states that an effective complaints handling procedure is:

User-focussed:	It puts the complainant at the heart of the process.
Accessible:	It is appropriately and clearly communicated, easily understood and available to all.
Simple and timely:	It has as few steps as necessary within an agreed and transparent timeframe.
Thorough, proportionate and consistent:	It should provide quality outcomes in all complaints through robust but proportionate investigation and the use of clear quality standards.
Objective, impartial and fair:	It should be objective, evidence-based and driven by the facts and established circumstances, not assumptions, and this should be clearly demonstrated.

and should:

Seek early resolution:	It aims to resolve complaints at the earliest opportunity, to the service user's satisfaction wherever possible and appropriate.
Deliver improvement:	It is driven by the search for improvement, using analysis of outcomes to support service delivery and drive service quality improvements

3.2 Our complaints policy and procedure reflect our commitment to valuing complaints. They seek to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the factors of the case.

3.3 In implementing this policy and procedure we are adopting the standard approach to handling complaints in the housing sector, which complies with the SPSO's guidance – aiming to deliver quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff, to help us 'get it right first time'.

3.4 We recognise that complaints can:

- provide our staff with a first-hand account of the service user's views and experience,
 - give us valuable information which we can use to improve customer satisfaction and prevent the same problems that led to the complaint from happening again,
- and
- highlight problems we may otherwise miss.

3.5 We also recognise that resolving complaints quickly, and sorting them out as close to the point of service delivery:

- can save costs and create better customer relations,
- means complainants are less likely to escalate to the next stage of the procedure,
- can minimise the overall workload involved in dealing with complaints;

- can improve relationships with our service users, and
- can enhance the public's perception of Prospect.

4.0 COMPLAINTS - DEFINITION & STAGES

Definition

- 4.1 A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us, or on our behalf.

This may include:

- delays in responding to enquiries and requests;
- failure to provide a service;
- inadequate standard of service, such as a repair not carried out properly;
- dissatisfaction with a policy or decision (but only if there is **no other way** of dealing with the matter such as a formal appeal process);
- provision of misleading, unsuitable or incorrect advice or information;
- unacceptable behaviour by, or attitude of, a staff member, Committee Member or contractor's staff;
- unfairness, bias or prejudice in service delivery;
- our failure to follow proper procedure.

For further details, and information on what is not a complaint, see the procedures supporting this policy.

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 appeal process
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

- 4.2 We recognise that while in most cases it will be clear if the individual is making a complaint which should be dealt with in accordance with this policy, there will be occasions when this is not initially clear. We will provide staff who deal with members of the public with relevant training to help them identify complaints that should be recorded and followed up in accordance with this policy.

We will not normally look at a complaint if it is more than 6 months after the individual became aware of the matter they want to complain about, unless there are special circumstances for considering complaints beyond this time.

Stages

- 4.3 There are two stages for handling complaints:

Stage 1: Frontline resolution

Stage 2: Investigation

- 4.4 **Stage 1** complaints will be:

- a) issues that are straightforward and easily resolved, requiring little or no investigation;

- b) dealt with at the 'frontline', i.e. by any appropriate staff member who can deal with the complaint quickly;
- c) replied to with an 'on the spot' apology, explanation or other action to resolve the complaint right away, or in the majority of cases within 5 working days unless there are exceptional circumstances and an extension is agreed with the complainant.

4.5 **Stage 2** complaints will be:

- a) issues that have not been resolved at Stage 1;
- b) issues that are complex, serious or 'high risk', normally requiring thorough investigation (this will include complaints about the attitude or behaviour of staff or Committee members);
- c) passed initially to the Corporate Services Officer who will arrange for them to be investigated by the appropriate staff;
- d) acknowledged within 3 working days and replied to in 20 working days, unless there are exceptional circumstances and an extension is agreed with the complainant.

4.6 For full details of the processes for recording, investigating and responding to complaints, see the procedures supporting this policy.

Scottish Public Services Ombudsman

4.7 If the complainant is still dissatisfied following the Stage 2 reply they will be advised that they may appeal to the Scottish Public Services Ombudsman and will be given information to assist them to do so, including that any appeal must be submitted within 12 months of the complaint first being raised with us.

The SPSO does not normally look at complaints relating to our factoring service, as the Homeowner Housing Panel will try to resolve complaints and disputes between home owners and property factors.

Recording complaints

4.8 We will ensure that the appropriate details of each complaint and the outcome are recorded at each stage of the process, so that the necessary details are available should the complainant remain dissatisfied and further investigation etc. is required, and also to provide information on trends etc. that may require us to review standards, policies or procedures. For full details see the procedures supporting this policy.

If a customer insists they do not wish to complain we will record the issue as an anonymous complaint. This will ensure the customer's details are not recorded against the complaint and they will receive no further contact about the matter. This will allow us to ensure the details of the complaint are fully considered and corrective action is taken where necessary.

Publicising outcomes

4.9 We will publish summary information on complaints received, their outcome and any resulting action we take, on our website and in our newsletter.

5.0 REDRESS

5.1 Where the complaint is upheld, in whole or in part, and we accept that we have not achieved the desired standards, we will offer appropriate redress. This may be in the form of an apology and/or recompense for actual loss or damage, or a goodwill payment in recognition of inconvenience or distress experienced.

- 5.2 Where a goodwill payment is to be offered, individual Managers will have delegated authority to offer up to £150 and the Director will have delegated authority to offer up to £1,000, as detailed in the Authorisation of Expenditure procedure.

Offers above £1,000 will have to be approved by the Management Committee.

6.0 CONFIDENTIALITY

- 6.1 Wherever possible we will respect the confidentiality of complainants and those being complained about. Where it is necessary to reveal a name we will only do so with the individual's agreement.

7.0 TRAINING

- 7.1 We will provide the relevant training required by all staff who have to deal with complaints in the course of their duties.

8.0 IMPLEMENTATION, MONITORING AND REVIEW

- 8.1 The Director is responsible for ensuring that all staff comply with this policy and the procedures which support it.
- 8.2 The Director is responsible for ensuring that appropriate arrangements are in place to record the information required to monitor the receipt, progress and outcome of each complaint.
- 8.3 The Director will ensure that the Complaints Procedure is publicised as widely as possible to all who need to be aware of it, and that regular reports on complaints received and their outcome are provided to tenants through the tenant newsletter.
- 8.4 The Director will arrange for quarterly reports to be submitted to the Management Team and the Management Committee on the number and type of complaints received, the outcomes and general trends, together with any recommendations for changes to policies, procedures or standards resulting from a review of complaints.
- 8.5 The Director will ensure that this policy is reviewed at least every 3 years by the Management Committee.

Reviewed by the Management Committee on 26 June 2019

Next review due by: June 2022.

PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy	COR12 Complaints Policy	
Department	Corporate	
Who is involved in the EQIA?	Management Team	
Type of policy/ practice/ strategy	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
Date completed	10/06/19	

Stage 1: Screening Record

What is the main purpose of the policy?

The policy describes our arrangements for dealing with complaints. It contributes to the Scottish Social Housing Charter outcomes 1: Equalities, 2: Communication and 3: Participation.

Who will the policy benefit and how?

The policy will benefit all tenants, service users and staff by providing clear guidance on the complaint handling process.

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

Are there any potential barriers to implementing the policy?

E.g. capacity or financial issues. Are there any factors that might prevent the desired outcomes being achieved?

	Yes	No
Is a full EQIA required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered no to the above question explain why a full EQIA is not required:

No impact on equalities identified:	<input type="checkbox"/>
Other:	

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected. Implementation of Cx will assist with data collection.
Tenant satisfaction survey		Survey carried out in 2013	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date. Implementation of Cx will assist with data collection.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Implementation of Cx will assist with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
EdIndex data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	

Stage 3: Assessing the impacts

How might the policy impact on people who share protected characteristics? Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	The policy could impact people under all protected characteristics, however we offer a variety of ways to make a complaint and we can provide translation services and documentation in other formats such as braille and large print. Feedback received during the complaints process is used to improve our services and this includes addressing any equality related issues.
Disability	As above.
Gender reassignment	As above.
Marriage & civil partnership	As above.
Pregnancy & maternity	As above.
Race	As above.
Religion or belief (including no belief)	As above.
Sex	As above.
Sexual orientation	As above.

How does the policy promote equality of opportunity?

The policy and procedures provides details for all individuals to make a complaint and a variety of ways to complain, depending on individual circumstances. Individuals who may not wish to make a direct complaint are still able to raise a concern with us through a third party.

How does the policy promote good relations?

We use the information gathered during the complaints process to review our service and make improvements where necessary. We actively encourage feedback from tenants and service users during our tenant's survey and through the tenant's portal.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?

N/A

Describing how Equality Impact analysis has shaped the policy making process

- ◆ No changes have been made to the policy during the EQIA process and no change to the budget is required.

Monitoring and Review

This policy will be reviewed every three years.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:
Yes No
- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:
 - Eliminating unlawful discrimination, harassment, victimisation;
 - Removing or minimising any barriers and/or disadvantages;
 - Taking steps which assist with promoting equality and meeting people's different needs;
 - Encouraging participation (e.g. in public life)
 - Fostering good relations, tackling prejudice and promoting understanding.Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken COR12 Complaints Policy.

**Name: Brendan Fowler
Position: Director
Authorisation date: 10/06/19**