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| 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; 25.11.20; |
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## VALUING COMPLAINTS & FEEDBACK 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, revised in January 2020.
- 1.2 The policy is supported by procedures and guidance to staff on handling and recording complaints, and a customer facing guide 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 .
- 1.3 All members of the community have the right to equal access to our complaints procedure. In accordance with our Equality and Diversity policy we will, where necessary, provide support to our customers to overcome any barriers they may face when complaining. Examples of support are described in Section 2 of the procedure.

### 2.0 THE SCOTTISH SOCIAL HOUSING CHARTER

The relevant standards and outcomes for this 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 recognised, 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.

*Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes*

Social landlords, working in partnership with other agencies, help to ensure that:

- Tenants and other customers live in well-maintained neighbourhoods where they feel safe.

### 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:

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

and should:

|                               |   |
|-------------------------------|---|
| <b>Seek early resolution:</b> | It aims to resolve complaints at the earliest opportunity, to the service user's satisfaction wherever possible and appropriate.          |
| <b>Deliver improvement:</b>   | 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 procedures 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 procedures 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:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- delays in responding to enquiries or requests
- unfairness, bias or prejudice in service delivery
- lack of provision, or the provision of misleading, unsuitable or incorrect advice or information
- a repair that has not been carried out properly or in an agreed timeframe
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
- disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

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
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
- 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 raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or

- a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf).

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 manager;
- 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 First Tier Tribunal for Scotland Housing and Property Chamber will try to resolve complaints and disputes between homeowners and property factors.

### **Recording & Learning from 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 on a quarterly basis summary information on complaints received, their outcome and any learning points and/or resulting action we take, on our website and in our newsletter.

We will also publish an annual complaints performance report on our website, in line with SPSO requirements as described in Section 4 of our procedure.

## **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 Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint. Further guidance is available in section 1 of the procedure.

## **7.0 TRAINING**

- 7.1 We will ensure all new members of staff receive training on complaints as part of their induction process.

- 7.2 We will provide regular training to all staff who deal with complaints to ensure they have the right skills and confidence to deal with complaints effectively.

## **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 28 October 2020

Next review due by: October 2023.

**PROSPECT EQUALITY IMPACT ASSESSMENT RECORD**

|  |                              |  |
|--|------------------------------|--|
| <b>Title of policy/ practice/ strategy</b> | COR12 Complaints Policy      |  |
| <b>Department</b>                          | Corporate                    |  |
| <b>Who is involved in the EQIA?</b>        | Management Team              |  |
| <b>Type of policy/ practice/ strategy</b>  | New <input type="checkbox"/> | Existing <input checked="" type="checkbox"/> |
| <b>Date completed</b>                      | 07/10/20                     |  |

**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, 3: Participation and 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

**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?**

The only barrier to implementing the policy would be lack of knowledge by staff members and customers. This will be addressed by regular training of staff and publicising our policy to customers.

|                                 | Yes                                 | No                       |
|---------------------------------|-------------------------------------|--------------------------|
| <b>Is a full EQIA required?</b> | <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. |
| Tenant satisfaction survey                                    |   | Survey carried out in 2019  | Age, disability, gender, ethnicity. In some cases other protected characteristics  | Data becoming out of date.     |
| 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  |                                |
| 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 will seek to ensure our process is accessible to all customers. We can provide translation services and documentation in other formats such as braille and large print. We can also provide assistance to access independent support or advocacy. 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 provide 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: 7/10/20**