



Policy Name	Complaints
Policy Category	Governance
Policy Number	G08
Date to Committee	December 2021
Previous Review Date	December 2018
Next Review Date	December 2024
Links to other Policies	S04 - Code of Conduct for Staff S01 - Terms and Conditions of Employment S02 - Dignity at Work Policy G09 – Equality & Diversity Policy S18 – Whistleblowing Policy
Consultation	

1.0 POLICY AIMS

- 1.1 The aim of this policy is to provide customers of Knowes Housing Association with a vehicle for complaining about a service they have received, or against a Staff Member or Committee Member when they feel that they have not been treated properly or fairly. The Association wants to act quickly to resolve the problem and provide a satisfactory outcome, where possible.
- 1.2 This policy supports the Scottish Public Services Ombudsman’s (SPSO) RSL model Complaints Handling Procedure (CHP), which is designed to provide a standardised approach to dealing with customer complaints across the housing sector.
- 1.3 The Association has a separate Whistleblowing Policy – S18, which is for use by employees, or Committee Members suspicious of any wrongdoing within the Association.

2.0 LEGAL & REGULATORY FRAMEWORK

- 2.1 The key legislation relevant to this Policy is the Public Services Reform (Scotland) Act 2010 which gave the SPSO authority to develop a model CHP across the public sector, the Housing (Scotland) Act 2010, the Data Protection Act 1998 and all relevant Equalities legislation as outlined in the Association's Equalities Policy G09.
- 2.2 To be compliant both the model CHP and the customer guide on the CHP must be adopted. The Association has also adopted the Complaints Handling Procedure for Registered Social Landlords.
- 2.3 The Association's approach also takes account of the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority (CSA) at the SPSO.
- 2.4 In addition, all staff are trained to a high standard and have received customer service training through a number of external and internal courses. This is reflected in the Association's Investors in People award, the Customer Service Excellence award, the journey to continuous improvement and the pursuit of further quality management awards.

3.0 RISK MANAGEMENT

- 3.1 Compliance with the model CHP is monitored by the Scottish Housing Regulator (SHR), in conjunction with the SPSO, through the SSHC (Scottish Social Housing Charter) and the Annual Return on the Charter (ARC). The risk of not following the policy and procedure is that the Association may be found to be non-compliant.
- 3.2 There is a risk that not following the policy and procedure may result in customer dissatisfaction and a lack of confidence in the Association. This in turn, could lead to customers seeking a service elsewhere, for example, employing a different property manager (factor) or moving to another area to a different landlord.
- 3.3 Further risks include the SPSO finding in favour of a complainant, and the effect that will have in terms of reputation, compensation etc.
- 3.4 Finally, there is a risk of not having an improvement framework or culture in place, which would have a negative effect on Knowes standing as an Association, and indeed future inspection by internal and external auditors and the Scottish Housing Regulator.

4.0 LINES OF RESPONSIBILITY

- 4.1 The complaints process provides two opportunities to resolve complaints internally:

Stage one - Frontline resolution and
Stage two - Investigation

- 4.2 Frontline resolution complaints can be addressed by any member of staff. All staff members are trained to take a complaint at this stage.
- 4.3 Investigation stage complaints are for those issues that have not been resolved at the frontline or that are complex, serious or high risk. The Corporate Services Compliance Officer will co-ordinate the response to investigation stage complaints and these will be signed off by a member of the Senior Management Team.
- 4.4 Once the investigation stage has been completed, the customer has the right to progress to independent external review (SPSO or in the case of complaints about the factoring service, the First Tier Tribunal) if they remain dissatisfied.
- 4.5 Any member of the Management Committee, who is approached with a complaint by a customer of the Association, should not deal with the complaint directly but instead refer them to the appropriate staff member or section within the Association.
- 4.6 All complaints received will be recorded on the QL system.

5.0 TYPES OF COMPLAINT RESOLUTION

- 5.1 The definition of a complaint is 'An expression of dissatisfaction by one or more members of the public about Knowes' action or lack of action, or about the standard of service provided by or on behalf of Knowes'. Complaints are made for a variety of reasons and it is in everyone's interest if these can be resolved as quickly and effectively as possible to alleviate concerns and satisfy the complainant as much as possible.
- 5.2 The CHP gives examples of what complaints may relate to, it also sets out what would not be classed as a complaint.
- 5.2 The Association takes seriously and values all complaints and will take action to consider them further, where appropriate. All anonymous complaints will be considered if there is enough information available to make further enquiries. If an anonymous complaint does not provide enough information to take further action, the decision not to pursue must be authorised by a senior manager. If an anonymous complaint makes serious allegations, it will be referred to a senior manager immediately. If an anonymous complaint is pursued further, all issues will be recorded on the complaints database.
- 5.4 If a customer has expressed dissatisfaction in line with the definition of a complaint but insists, they do not wish to complain the issue would be recorded as an anonymous complaint.

5.5 *Complaints about contractors*

The Association expects that any contractor employed by Knowes adopts the Code of Conduct and behaves in a professional and competent manner. Any complaints made against a Knowes' contractor acting on the Association's behalf, will be investigated fully by the Association.

5.6 ***Complaints against senior staff or committee members***

When serious complaints are raised against senior staff or Committee members, it is particularly important that the investigation is conducted by an individual who is independent of the situation. The SHR specifies that a serious complaint against senior staff or the governing body of an RSL is a 'notifiable event', and as such the regulator must be informed immediately. Independent, professional advice must be sought to support the handling, and in some cases investigating of the complaint.

5.7 The SHR's expectations also specify that strong governance arrangements must be in place that set out clear procedures for handling such complaints, including the governing body's role in such cases. Knowes' processes specify the measures in place to ensure this is achieved, and the types of complaints that are considered 'serious'.

5.8 There are arrangements in place for handling minor complaints against the CEO and for complaints against other senior staff and the governing body. Complaints against senior staff members will be dealt with by the CEO. Complaints against the CEO will be dealt with by the Employment Sub Committee. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial.

5.9 *Stage 1- Frontline Resolution*

In practice, frontline resolution 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. The complaint may be settled by 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.

5.10 A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. Frontline resolution should always be considered regardless of how the customers' complaint is received.

5.11 On receiving a complaint, it must first be decided whether the issue can indeed be defined as a complaint. The customer may express

dissatisfaction about more than one issue. This may mean one element is treated as a complaint, while the customer is directed to pursue another element through an alternative route.

5.12 All complaints received and identified must be recorded on the complaints database; it should then be decided whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before the customer can be given a suitable response. These complaints must be escalated immediately to the investigation stage.

5.13 When it is thought that frontline resolution is appropriate, four key questions must be considered

- What exactly is the customer's complaint (or complaints)?
- What does the customer want to achieve by complaining?
- Can this be achieved, or explained why not?
- If this can't be resolved, who can help with frontline resolution?

5.14 It is important to keep a full and accurate record of the decision reached and given to the customer. The complaint should then be closed and the complaints database updated accordingly.

5.15 **Stage 2 – Investigation**

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 of the CHP are typically complex or require a detailed examination before a position can be stated. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

5.16 It is important to be clear from the start of the investigation stage exactly what is being investigated and to ensure that both the customer and the Association understand the investigations' remit.

5.17 It may be helpful to consider three key questions when discussing the complaint with the customer:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

5.18 Where possible it should be made clear what additional information will be needed to investigate the complaint. Details of the complaint must be recorded on the complaints database. Where appropriate this will be done as a continuation of frontline resolution.

5.19 If the investigation stage follows attempted frontline resolution, all case notes and associated information must be handed over to the officer responsible for the investigation, and this should be recorded.

5.20 The customer must be informed of the outcome of the investigation, in writing or by their preferred method of contact. The response to the complaint must address all areas that Knowes is responsible for and explain the reasons for the decision. The decision must be recorded, and details of how it was communicated to the customer on the complaints database. It must also be made clear to the customer:

- Their right to ask the SPSO to consider the complaint.
- The time limit for doing so, and
- How to contact the SPSO.

5.21 *Mediation*

In situations where both parties feel it is appropriate using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further may be considered. Where mediation has been arranged, revised timescales will be agreed.

5.22 *Independent External Review*

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the complaints procedure. The SPSO looks at issues such as service failure and maladministration as well as the way the complaint has been handled. The SPSO does not normally look at complaints about a factoring service. If a factoring customer is still dissatisfied after the investigation stage, they can access the First Tier Tribunal.

6.0 TIMESCALES

6.1 Frontline resolution must be completed within five working days, although in practice the expectation would be to resolve the complaint much sooner. It is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated. In exceptional circumstances, where there are clear and justifiable reasons for doing so, an extension of no more than five working days may be agreed with the customer. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage, authorisation should be sought from the appropriate senior manager.

6.2 In the case of investigation stage, complaints must be acknowledged within three working days and a full response should be provided to the

complaint as soon as possible but not later than 20 working days from the time the complaint was received for investigation.

- 6.3 If there are clear and justifiable reasons for extending the timelines, a member of the Senior Management Team will set time limits on any extended investigation, as long as the customer agrees. The customer must be kept updated on the reason for the delay and given a revised timescale for completion.

7.0 ACCESS TO COMPLAINTS AT KNOWES

- 7.1 It is important that customers can easily find out where and how to make a complaint. The customer guide on the CHP describes the complaints procedure and explains how customers can make a complaint. Customers can complain in person at the Association's office, by phone, in writing, email or by using the complaints form. Anyone can make a complaint to the Association, including the representative of someone who is dissatisfied with the service received. The CHP customer guide is available at the Association's office and on the website.
- 7.2 A complaint should normally be made within six months of the event the resident wishes to complain about or on finding out they have a reason to complain but no longer than 12 months after the event itself. In exceptional circumstances a complaint may be accepted after the time limit, this will be at the discretion of a member of the Senior Management Team.

8.0 MAINTAINING CONFIDENTIALITY

- 8.1 Staff are reminded to bear in mind legal requirements for example, data protection legislation as well as internal policies on confidentiality and the use of customers' information.

9.0 RECORDING, REPORTING, LEARNING & PUBLICISING

- 9.1 To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as set out in the CHP. Complaints details are analysed for trend information to ensure that any service failures are identified and appropriate action is taken. All results will be reported to the Senior Management Team on a monthly basis and to the Management Committee on a quarterly basis. It will also help to report efficiently on the Annual Return on the Charter (the ARC).
- 9.2 The outcome of complaints and the actions taken in response are published on a quarterly basis in the Association's newsletter, on the website and displayed in the office.
- 9.3 At the earliest opportunity after the closure of the complaint, the complaint handler makes sure that the service user and staff of the

department involved understand the findings of the investigation and any recommendations made.

9.4 The Senior Management Team and the Management Committee will regularly review the information gathered from complaints and consider whether services could be improved, or internal policies and procedures updated.

9.5 The performance in handling complaints to the SHR is reported through the ARC. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

10.0 COMPENSATION / REDRESS

10.1 The Association recognises that compensation of some sort may be paid in certain circumstances and each case will be examined on its own merits. The CEO has delegated authority for making such decisions (to a maximum value of £500) and these will be reported to the Management Committee on a 6-monthly basis.

11.0 COMPLIMENTS

11.1 As well as encouraging customers to communicate when they are unhappy with the service that they have received Knowes would also like to encourage customers to say when they have had a good experience. When a compliment is received (this can be verbally or in writing) it will be recorded by the recipient on the complaints database in the relevant section. The Corporate Services Team will extract compliments from returned satisfaction surveys. All compliments will be reported alongside complaints on a monthly basis to the Senior Management Team and on a quarterly basis to the Management Committee.

12.0 EQUALITY COMMITMENT

Knowes Housing Association Ltd is committed to tackling discrimination on the grounds of sexual or marital status, racial grounds or grounds of disability, age, sexual orientation, language, social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. To this end no person will be discriminated against through application of this policy.

13.0 POLICY REVIEW

The policy will be reviewed every three years or sooner if changes in legislation.