Complaints Handling Policy and Procedure

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Our Vision, Our Mission, Our Values

Our Vision

Elderpark Housing will lead the way in delivering outstanding customer services and great places to live.

Our Mission

To provide quality, affordable homes and excellent services which place a focus on our customers and enhancing our communities.

Our Values



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy. We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This Policy has been developed by the Corporate Governance Officer (CGO) using the Model Complaints Handling Procedure (MCHP) issued by the Scottish Public Services Ombusdman (SPSO). The Policy sits within the Governance Suite and responsibility for timely review when required is with the Director of Finance and Corporate Services and CGO. Implementation and monitoring responsibilities are with the Directors of departments, Managers, CGO and then all staff.

Purpose of the Policy

The purpose of the Policy is to set out Elderpark Housing's commitment to valuing complaints. To provide a robust framework to ensure all complaints are dealt with in a consistent manner, set out what can be expected from the association if a complaints is made and embed effective learning and service level improvement into services based on complaints analysis and feedback.

Aims and Objectives of the Policy

The key aims and objectives of the Policy are to;

- 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 facts of the case.
- help us to 'get it right first time'
- ensure consistency in the approach to dealing with all complaints
- help us do our job better, improve relationships with our customers and enhance public perception of Elderpark Housing. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

Legislative and Regulatory Compliance

The Scottish Housing Regulator (SHR) Regulatory Framework, Chapter 3 sets out expectations on;

Tenant and service User Redress to '*make information on reporting significant performance failures available to tenants. Provide tenants and other service users with the*

information they need to exercise their right to complain and seek redress in accordance with guidance from the Scottish Public Services Ombudsman (SPSO) and ensure effective arrangements to learn from complaints and feedback.'

Also set out in Chapter 3 of the SHR Framework are the Standards of Governance and Financial Management and relevant here are;

Regulatory Standard 1 *'The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.'*

Regulatory Standard 2

Guidance 2.2 '*The governing body recognises it is accountable to its tenants, and has a wider public accountability to the taxpayer as a recipient of public funds, and actively manages its accountabilities.'*

Guidance 2.4 '*The RSL seeks out the needs, priorities, views and aspirations of tenants, service users and stakeholders. The governing body takes account of this information in its strategies, plans and decisions.'*

The SHR framework further sets out expectations on Equality and Human Rights and this Policy takes into account the following legislation;

- the Equality Act (Scotland) 2010
- the Mental Health (Care and Treatment) (Scotland) Act 2003

Equalities

Extensive consultation was undertaken by SPSO in developing this MCHP and complies with the Equality Act (Scotland) 2010. An Equality Impact Assessment has been carried out and there is specific guidance within the Policy on ensuring access to making complaints is open to all.

Privacy

This Policy will be administered in line with our GDPR and Privacy Policy. It is publishable under FOISA and will be available on our website under the Guide to Information section. A GDPR Impact Assessment has been carried out.

Related Policies

Policy Title	Location
Equality and Diversity Policy	V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf
Privacy Policy	V:\Elderpark Policy Suite\IT Policies\IT1 Privacy Policy.pdf
FOI and EI Policy	V:\Elderpark Policy Suite\Governance Policies\G29 FOI and EI Policy.pdf
Notifiable Events Policy	V:\Elderpark Policy Suite\Governance Policies\G30 Notifiable Events Policy.pdf
Expected Behaviours Policy	V:\Elderpark Policy Suite\Governance Policies\G14 Expected Behaviours Policy.pdf

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Part 1:

Overview and Structure

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Foreword

Our Complaints Handling Procedure reflects Elderpark Housing's commitment to valuing complaints. It seeks 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 facts of the case.

The procedure was first developed by the Scottish Public Services Ombudsman, working in partnership with an advisory panel of housing associations and a high level group of key stakeholders.

The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to this sector. As far as is possible we have produced a standard approach to handling complaints across Scotland's public services, which complies with the SPSO's guidance on a MCHP. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All staff across Elderpark Housing must cover this procedure as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure (including recording complaints).

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our Complaints Handling Procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

Handling complaints early creates better customer relations. Handling complaints close to the point of service delivery means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not handle swiftly can greatly add to our workload and are more costly to administer.

The Complaints Handling Procedure will help us do our job better, improve relationships with our customers and enhance public perception of Elderpark Housing. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:

    - Overview and structure (**Part 1**) – sets out an overview of complaints handling and the overall structure of this full document
    - When to use the procedure (**Part 2**) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
    - The complaints handling process (**Part 3**) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
    - Governance of the procedure (**Part 4**) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
    - The customer-facing CHP (**Part 5**) – information for customers on how we handle complaints

2. When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO.

www.spso.org.uk

Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.

4. We will try to resolve complaints to the satisfaction of the customer wherever this is possible. Where this isn't possible, we will give the customer a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).

5. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

Stage 1: Frontline response	**Stage 2: Investigation**	**Independent external review (SPSO or other)**
For issues that are straightforward and simple, requiring little or no investigation 'On-the-spot' apology, explanation, or other action to put the matter right Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances) Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing) We will tell the customer how to escalate their complaint to stage 2	Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk' Complaint acknowledged within **three working days** We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement) Complaint resolved or a definitive response provided within **20 working days** following a thorough investigation of the points raised	Where the customer is not satisfied with the stage 2 response from the service provider The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider Some complaints may also have an alternative route for independent external review

6. For detailed guidance on the process (see **Part 3: Complaints Handling Process**).

Expected behaviours

7. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:

    - telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
    - working with us to agree the key points of complaint when an investigation is required; and
    - responding to reasonable requests for information.

8. We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy.

9. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.

10. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unreasonable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from behaviours that fall short of those expected such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us. V:\Elderpark Policy Suite\Governance Policies\G14 Expected Behaviours Policy.pdf

11. If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO (see **Part 3: Signposting to the SPSO**).

12. The SPSO has guidance on promoting positive behaviour and managing unacceptable actions.

Maintaining confidentiality and data protection

13. 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.

14. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

15. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information. The Corporate Governance Officer acts as the Data Protection Officer (DPO) for the association and as such can be contacted for advice on Data Protection matters. In the absence of the DPO the Director of Finance and Corporate Services can be contacted. Our Privacy Policy can be found on our website here https://elderpark.org/wp-content/uploads/2019/10/I1.-PRIVACY-POLICY-Sept-18-1.pdf

16. Some examples of situations where a response to a complaint may be limited by confidentiality, would be:

    - where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.

    - where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

Part 2:

When to use this procedure

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What is a complaint?

1. Elderpark Housing's definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about Elderpark Housing's action or lack of action, or about the standard of service provided by or on behalf of Elderpark Housing .'

2. For clarity, where an employee also receives a service from Elderpark Housing as a member of the public, they may complain about that service.

3. A complaint may relate to the following, but is not restricted to this list:

    - 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: see **Part 2: Complaints about contracted services**); 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).

4. **Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.

5. A complaint **is not**:

    - a routine first-time request for a service (see **Part 2: Complaints and service requests**)
    - a request for compensation only (see **Part 2: Complaints and compensation claims**)
    - issues that are in court or have already been heard by a court or a tribunal (see **Part 2: Complaints and legal action**)
    - 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: see **Part 2: Complaints about contracted services**).

6. **Appendix 2** gives more examples of 'what is not a complaint' and how to direct customers appropriately. This includes an example of when an anti-social behaviour complaint may and may not be considered a complaint.

7. We will not treat these issues as complaints, and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

8. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and why. (See **Part 2: What if the CHP does not apply**).

Who can make a complaint?

9. Anyone who receives, requests, or is affected by our services can make a complaint. This obviously includes our tenants. It also includes a member of the public who could have access to or be affected by our services, including our anti-social-behaviour services. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.

10. We also accept complaints from the representative of a person who is dissatisfied with our service. (See **Part 2: Complaints by (or about) a third party**).

Supporting the customer

11. All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.

12. We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example*:*

    - the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and

    - the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

    Examples of how we will meet our legal duties are:

    - proactively checking whether members of the public who contact us require additional support to access our services

    - providing interpretation and/or translation services for British Sign Language users; and

    - helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).

13. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. An example of the vulnerable groups identified by the SPSO is available online. Actions that we may take include:

    - helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)

- helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen's Advice Scotland); and
- providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).

14. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

How complaints may be made

15. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.

16. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised. Where it is clear that a complex complaint will be immediately considered at stage 2 (investigation), it may be helpful to complete a complaint form with the customer's input to ensure full details of the complaint are documented. However, there is no requirement for the person to complete a complaint form, and it is important that the completion of a complaint form does not present a barrier to people complaining.

17. Complaint issues may also be raised on **digital platforms** (including **social media**).

18. Where a complaint issue is raised via a digital channel managed and controlled by Elderpark (for example an official twitter address or facebook page), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.

19. We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a youtube video or post on a private facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.

20. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. (See **Part 1: Maintaining Confidentiality and Data Protection**).

Time limit for making complaints

21. The customer must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).

22. Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:

    - within six months of when they first knew of the problem; or
    - within two months of receiving their stage 1 response (if this is later).

23. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.

24. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

Particular circumstances

Complaints by (or about) a third party

25. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf. It is good practice to ensure the customer understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.

26. The provision of a signed mandate from the customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the customer to deal with a third party and would normally follow up in writing to confirm this.

27. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

28. See also **Part 1: Maintaining Confidentiality and Data Protection.**

Serious, high-risk or high-profile complaints

29. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2 (see **Part 3: Stage 2 Investigation**).

30. We define potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to our operations
- present issues of a highly sensitive nature, for example concerning:

    - immediate homelessness
    - a particularly vulnerable person; or
    - child protection.

Anonymous complaints

31. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by an appropriate Director / Manager.

32. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

33. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

What if the customer does not want to complain?

34. If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the CHP. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

35. If the customer insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

36. Please refer to the example in **Appendix 1** for further guidance.

Complaints involving more than one area or organisation

37. If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

38. If a customer complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.

39. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about Elderpark Housing through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. (See **Part 1: Maintaining Confidentiality and Data Protection**).

40. Such complaints may include:

- a complaint to us about rent arrears that is partly caused by problems with a claim for Housing Benefit to the local authority, or
- a complaint to us about anti-social behaviour that relates to our service and a local authority service.

Complaints about contracted services

41. Where we use a contractor to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet Elderpark Housing's standard (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or
- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the customer is signposted to the SPSO.

42. We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

43. Elderpark Housing has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

Significant performance failures

44. The Scottish Housing Regulator (SHR) has a duty to 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 systemic problem that does, or could, affect all of a landlord's tenants. A significant performance failure happens when:

- a landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- a landlord is not achieving the regulatory standards on governance or financial management.

45. Significant performance failures are not dealt with through this procedure. Information about SHR can be found on their website: www.scottishhousingregulator.gov.uk.

Complaints about Senior Staff or Committee Members

46. Complaints about Senior Staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. 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. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

47. 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. It has also drawn up 'regulatory expectations' for the handling of serious complaints against the Chief Executive. These can be found on the SHR website under Appendix 3: 'Handling a serious complaint against the Director/Chief Executive of an RSL' https://www.housingregulator.gov.scot/media/1214/notifiable-events-guidance-final-february-2019-june-19.pdf

48. We also have arrangements for handling minor complaints against the Chief Executive and for complaints against other Senior Staff and the Governing Body. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial.

49. Should a complaint be made about a Director then the Chief Executive will handle the complaint, where this does not bring a satisfactory resolution the complaint would go to the Chair for the appeal process to be followed.

Complaints and other processes

50. Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

Complaints and service requests

51. If a customer asks Elderpark Housing to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

52. Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

Complaints and disciplinary or whistleblowing processes

53. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.

54. Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether Elderpark Housing failed to meet our expected standards and what we have done to improve things, in general terms.

55. Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- we keep records of the investigation that can be made available to the SPSO if required. This can problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

56. The SPSO's report Making complaints work for everyone has more information on supporting staff who are the subject of complaints.

Contact from MPs, MSPs or Councillors

57. Where a matter is being dealt with as a complaint from an MP, MSP or Councillor, it must be handled in line with this CHP.

58. Information for elected members on seeking third party consent for can be found here on the Information Commissioners website: https://ico.org.uk/media/for-organisations/documents/1432063/constituency-casework-of-mps-and-the-processing-of-sensitive-personal-data.pdf

Complaints and compensation claims

59. Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

Complaints and legal action

60. Where a customer says that legal action is being actively pursued, this is not a complaint.

61. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and the complaints manager and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.

62. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

What to do if the CHP does not apply

63. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.

64. Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our Unacceptable Actions Policy.

65. The SPSO has issued a template letter for explaining when the CHP does not apply.

Appendix 1 – Complaints at frontline response

1. The following table gives examples of complaints that may be considered at the frontline stage, and suggests possible actions.

Complaint	Possible actions
The customer complains that her rent payment direct debit has been set up wrongly.	• Apologise to the customer and update the direct debit details. • Record the complaint on the complaints database.
The customer complains that a worker did not attend to carry out a housing repair as we had agreed.	• Speak to the worker, the service or the service manager to explain the customer's complaint and to agree how to address the issue, for example by arranging a new time and date to do the repair. • Explain the reasons for the failed appointment and apologise to the customer. • Record the complaint on the complaints database.
The customer complains that the quality of a repair carried out by us or our contractor is not satisfactory.	• Ask the service department to examine the repair to assess whether or not it is acceptable. • If it is not acceptable, agree that the service department should do more work. • Explain and apologise to the customer. • Record the complaint on the complaints database. • Obtain a report from the service or contractor to confirm that the repair is now complete. • Feedback the lessons learned from the complaint into a service improvement plan.

Complaint	Possible actions
The customer complains that his support worker turned up late and was smoking.	• Contact the care service to discuss the matter with a service manager. • The care service checks the timetable for visits and discusses with the home carer the complaint about smoking. The care service should let you know the outcome. • You in turn contact the customer to explain the policy, confirm the timing of visits (for example: between 8am and 12 noon) and where appropriate apologise for the inconvenience. • Record the complaint on the complaints database.
The customer expresses dissatisfaction in line with the definition of a complaint, but says she doesn't want to complain – just wants to tell us about the matter.	• Tell the customer that we value complaints because they help to improve services. Encourage her to submit the complaint. • To improve our service and learn from mistakes, we need to record, evaluate and act upon customer feedback like this. Therefore, if the customer still insists she does not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that she will not be contacted again about the matter.
Dissatisfaction with a planned maintenance programme	• Take details of the complaint and pass them to the team involved in planned maintenance. Tell the customer about the timescales for planning such work,

Complaint	Possible actions
	and that we will take their views into account for future work. • Record the complaint on the complaints database.

Appendix 2 – What is not a complaint?

1. A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep asking for service.

2. A customer may also be concerned about the various decisions we make. These decisions may have their own specific review or appeal procedures, and, where appropriate, we should direct customers to the relevant procedure. However, if a customer expresses dissatisfaction with the administrative process we have followed to arrive at a decision, we should treat this as a complaint. This distinction is shown in the example below about how an allocations policy applies.

3. The following paragraphs provide examples of the types of issues or concerns that should not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route based on the individual case.

Example 1: Housing allocation decisions

4. Decisions about the allocation of homes follow a specific internal policy, in line with legal requirements. You should steer customers who are dissatisfied with an allocation decision towards the associated appeals process.

Customer A complains that they were not given enough priority for housing, given their current housing circumstances and health needs.

5. Steer the customer towards the appeals process for allocation decisions.

6. However, if the customer is dissatisfied about how we applied the policy or administered the process, the complaint can go through this CHP.

Customer B complains that a home was allocated to someone else, who they knew were in less need than them, and had not been on the waiting list as long.

7. Record the customer's complaint. Explain that personal details are not disclosed, so we cannot discuss the other applicant's details. The customer will also need to be clear that we will review the basis for the decision to see if we are at fault.

8. If we find that the decision was based on sound evidence of need, inform the customer of the outcome. But if there is evidence that there was maladministration (fault) in the process followed to reach our decision, we must take suitable action and inform Customer B.

9. Update the complaint as appropriate and consider whether to report the case to Senior Management / the Management Committee.

10. Customer B can also request a review of their circumstances or may appeal their points through the appeals process.

Example 2: Claims for compensation

11. A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you should not handle them through the complaints handling procedure. However, where a customer wants to complain about the matter leading to their request for compensation, for example workmen damaging their home, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to delay consideration of the complaint pending the outcome of the claim for compensation. If you do this, you should notify the customer and explain that the complaint will be fully considered when the compensation claim has been resolved.

12. If you receive a compensation claim, you should explain to the customer the process for claiming compensation in line with our policy on these claims.

Example 3: Anti-social behaviour complaints

13. We must respond well to concerns or dissatisfaction about our tenants' behaviour from a neighbour or a member of the public (for example, a home owner living nearby). We initially handle such concerns through our Anti-social Behaviour Policy. However, someone may complain about the way we have handled an anti-social behaviour complaint.

Mr A complains that his neighbour has been playing music late at night for the last three nights. This is the first time he has phoned to complain.

14. We should handle this through our Anti-social Behaviour Policy. We should fully explain our process to Mr A, and say what he should do if the situation continues.

Ms B complains she has reported her neighbour's barking dog several times over the last year, and nothing has been done about it.

15. We should handle this as a complaint and pass it to the right team to establish what has happened so far and update Ms B. We should consider whether we applied our policy properly, and whether we could do anything else to address the situation. We should record the complaint on the complaints system.

Part 3:

The Complaints Handling Process

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The complaints handling process

1. Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the customer's satisfaction. Where this is not possible, we will give the customer a clear and reasoned response to their complaint.

Complaint received

A customer may complain either verbally or in writing, including face-to-face, by phone, letter or email.

Stage 1: Frontline response

For issues that are straightforward and simple, requiring little or no investigation. 'On-the-spot' apology, explanation, or other action to put the matter right

Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances)

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response

Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)

We will tell the customer how to escalate their complaint to stage 2

Stage 2: Investigation

Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'

Complaint acknowledged within **three working days**.

We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)

Complaint resolved or a definitive response provided within **20 working days** following a thorough investigation of the points raised

Independent external review (SPSO or other)

Where the customer is not satisfied with the stage 2 response from the service provider

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider

Some complaints may also have an alternative route for independent external review

Resolution

The complainant and organisation agree what action will be taken to resolve the complaint.

Where a complaint is resolved, it is not usually necessary to continue investigating, although an organisation may choose to do so, for example to identify learning.

We must signpost the customer to stage 2 (for stage 1 complaints) or to the SPSO as usual.

Reporting, recording and learning

Action is taken to improve services on the basis of complaint findings, where appropriate.

We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.

Senior management have an active interest in complaints and use complaints data and analysis to improve services.

Learning is shared throughout the organisation.

Resolving the complaint

2. A complaint is **resolved** when both Elderpark Housing and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.

3. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.

4. A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.

5. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. (See **Part 3: Alternative complaint resolution approaches)**.

6. Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.

7. In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the customer to stage 2 (for stage 1 complaints) or to independent external review as usual. (See **Independent external review**).

8. If the customer and Elderpark Housing are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

What to do when you receive a complaint

9. Members of staff receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:

What exactly is the customer's complaint (or complaints)?

10. It is important to be clear about exactly what the customer is complaining about. We may need to ask the customer for more information and probe further to get a full understanding.

11. We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.

12. If the matter is not suitable for handling as a complaint, we will explain this to the customer (and signpost them to SPSO). There is detailed guidance on this step in **Part 2: When to use this Procedure**.

13. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2 (see **Stage 2: Investigation**).

What does the customer want to achieve by complaining?

14. At the outset, we will clarify the outcome the customer wants. Of course, the customer may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.

Can I achieve this, or explain why not?

15. If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, they should do so.

16. The customer may expect more than we can provide. If so, we will tell them as soon as possible.

17. Complaints which can be resolved or responded to quickly should be managed at stage 1 (see **Stage 1: Frontline response**).

If I cannot respond, who can help?

18. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.

19. If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at stage 2. If the customer refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2 (see **Stage 2: Investigation**).

20. All stage 2 complaints will be dealt with by a Director or Manager for the department the complaint relates to.

Stage 1: Frontline response

21. Frontline response aims to respond quickly (within **five working days**) to straightforward complaints that require little or no investigation.

22. Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.

23. We may respond to the complaint by providing 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. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow the SPSO guidance on apology.

24. **Part 2: Appendix 1** gives examples of the types of complaint we may consider at this stage, with suggestions on how to handle them.

25. Complaints which are not suitable for frontline response should be identified early, and handled immediately at **stage 2: Investigation**.

Notifying staff members involved

26. If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

Timelines

27. Frontline response must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

Extension to the timeline

28. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate manager. We will tell the customer about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).

29. If a complaint will take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint

may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.

30. If a complaint has not been closed within ten working days, it should be escalated to stage 2 for a final response.

31. **Part 3: Appendix 1** provides further information on timelines.

Closing the complaint at the frontline response stage

32. If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to). We must:

    - tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
    - explain the reasons for our decision (or the agreed action taken to resolve the complaint. (See **Part 3: Resolving the complaint)**; and
    - explain that the customer can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the customer has completed stage 2).

33. We will keep a full and accurate record of the decision given to the customer. If we are not able to contact the customer by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

34. If the complaint is about the actions of a particular staff member(s), we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

35. The complaint should then be closed and the complaints system updated accordingly.

36. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. (See **Part 4: Learning from Complaints**).

Stage 2: Investigation

37. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:

    - the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later. (See **Part 2: Time limits for making a complaint**).

    - the complaint is not simple and straightforward (for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or

    - the complaint relates to serious, high-risk or high-profile issues. (See **Part 2: Serious, high-risk or high-profile complaints**).

38. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a Director from a different area).

39. Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.

40. The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful. (See **Part 3: Alternative complaint resolution approaches**).

Acknowledging the complaint

41. Complaints must be acknowledged within three working days of receipt at stage 2.

42. We must issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact.

43. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree. (See **Part 3: Agreeing the points of complaint and outcome sought**).

44. Where the points of complaint and expected outcomes are not clear, we must tell the customer we will contact them to discuss this.

Agreeing the points of complaint and outcome sought

45. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.

46. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint. (See **Part 3: Acknowledging the complaint**).

47. Where the points of complaint and outcome sought are not clear, we must contact the customer to confirm these. We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer.

48. In all cases, we must have a clear shared understanding of:

- **What are the points of complaint to be investigated?**

  While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

  We will make every effort to agree the points of complaint with the customer (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our Unacceptable Actions Policy, bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

- **Is there anything we can't consider under the CHP?**

  We must explain if there are any points that are not suitable for handling under the CHP. (See **Part 2: What to do if the CHP does not apply**).

- **What outcome does the customer want to achieve by complaining?**

  Asking what outcome the customer is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

- **Are the customer's expectations realistic and achievable?**

  It may be that the customer expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

Notifying staff members involved

49. If the complaint is about the actions of a particular staff member(s), we will notify the staff member(s) involved (including where the staff member is not named, but can be identified from the complaint). We will:

    - share the complaint information with the staff member(s) (unless there are compelling reasons not to)
    - advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
    - discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
    - signpost the staff member(s) to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).

50. If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met. (See also **Part 2: Complaints and disciplinary or whistleblowing processes**).

Investigating the complaint

51. It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:

    - what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
    - what should have happened? (this should include any relevant policies or procedures that apply); and
    - is there a difference between what happened and what should have happened, and is Elderpark Housing responsible?

52. In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).

53. If we need to share information within or outwith the organisation, we will be mindful of our obligations under data protection legislation. (See **Part 1: Maintaining confidentiality and Data Protection**).

54. The SPSO has resources for conducting investigations, including:

- Investigation plan template
- Decision-making tool for complaint investigators

Alternative complaint resolution approaches

55. Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

56. Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the customer's desired outcome.

57. The SPSO has guidance on alternative complaint resolution approaches.

58. If Elderpark Housing and the customer (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

Meeting with the customer during the investigation

59. To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

60. As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

Timelines

61. The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):

- complaints must be acknowledged within **three working days**
- a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

Extension to the timeline

62. Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the customer.

63. Any extension must be approved by an appropriate manager. We will keep the customer and any member(s) of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the customer and any member(s) of staff complained about at least once every 20 working days to update them on the progress of the investigation.

64. The reasons for an extension might include the following:

    - essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but the person is not available because of long-term sickness or leave
    - we cannot obtain further essential information within normal timescales; or
    - the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

    These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

65. **Part 3: Appendix 1** provides further information on timelines.

Closing the complaint at the investigation stage

66. The response to the complaint should be in writing (or by the customer's preferred method of contact) and must be signed off by a Director or Manager who is empowered to provide the final response on behalf of Elderpark Housing.

67. We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:

    - be clear and easy to understand, written in a way that is person-centred and non-confrontational
    - avoid technical terms, but where these must be used, an explanation of the term should be provided

- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see the SPSO's guidance on apology)
- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter; and
- indicate that if they are not satisfied with the outcome of the local process, they may seek independent external review (see **Part 3: Independent external review**).

68. Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed. (See **Part 3: Resolving the complaint**).

69. If the complaint is about the actions of a particular staff member(s), we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

70. We will record the decision, and details of how it was communicated to the customer, on the complaints system.

71. The SPSO has guidance on responding to a complaint:

- Template decision letter
- Apology guidance

72. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. (See **Part 4: Learning from Complaints**).

Independent external review

73. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. We must make 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.

74. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are outwith the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.

Factoring complaints, shared owners and private residential tenancies

75. The SPSO does not normally look at complaints about our factoring service, complaints from shared owners or complaints about private residential tenancies. These complaints can be considered by the First Tier Tribunal for Scotland (Housing and Property Chamber). We must still signpost these complaints to the SPSO, as there may be some aspects of the complaint that the SPSO can consider (for example, if the customer is dissatisfied with how we have handled their complaint, or if a private owner is impacted by the actions of the organisation). However, we should also notify the customer of their right to approach the Tribunal if they are dissatisfied with our response to these kinds of complaint.

Signposting to the SPSO

76. The SPSO recommends that we use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on Elderpark Housing's final response to the complaint.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Registered Social Landlords (RSL's). The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have had a final response from Elderpark Housing, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- you have gone all the way through Elderpark Housing's Complaints Handling Procedure
- it is less than 12 months after you became aware of the matter you want to complain about, and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at www.spso.org.uk/complain or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact www.spso.org.uk/contact-us

Website: www.spso.org.uk

Post-closure contact

77. If a customer contacts us for clarification when they have received our final response, we may have further discussion with the customer to clarify our response and answer their questions. However, if the customer is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

Part 3: Appendix 1 - Timelines

General

2. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

Timelines at frontline response (stage 1)

3. We will aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**, at the latest.

4. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

Transferring cases from frontline response to investigation

5. If the customer wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

Timelines at investigation (stage 2)

6. For complaints at the investigation stage, **day one** is:

    - the day the case is transferred from the frontline stage to the investigation stage
    - the day the customer asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
    - the date we receive the complaint, if it is handled immediately at stage 2.

7. We must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.

8. We should respond in full to the complaint by **day 20**, at the latest. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.

9. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.

Frequently asked questions

What happens if an extension is granted at stage 1, but then the complaint is escalated?

10. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (we have 20 working days from this date, unless an extension is granted).

What happens if we cannot meet an extended timeframe?

11. If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days.

12. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the customer and give them a revised timeframe for completion. We must update the customer and any staff involved in the investigation at least once every 20 working days.

What happens when a customer asks for stage 2 consideration a long time after receiving a frontline response?

13. Unless exceptional circumstances exist, customers should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest). (See **Part 2: Time limits for making a Complaint**).

Part 3: Appendix 2 – The complaint handling process (flowchart for staff)

A customer may complain verbally or in writing, including face-to-face, by phone, letter or email. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline response) or stage 2 (investigation).

Stage 1: Frontline response	**Stage 2: Investigation**
Always try to respond quickly, wherever we can	Investigate where: • The customer is dissatisfied with the frontline response or refuses to engage with attempts to handle the complaint at stage 1 • It is clear that the complaint requires investigation from the outset
Record the complaint and notify any staff complained about	Record the complaint and notify any staff complained about Acknowledge the complaint within **three working days**
	Contact the complainant to agree: • Points of complaint • Outcome sought • Manage expectations (where required) *(these can be confirmed in the acknowledgement where the complaint is straightforward)*
Respond to the complaint within **five working days** unless there are exceptional circumstances	Respond to the complaint as soon as possible, but within **20 working days** unless there is a clear reason for extending the timescale
Is the customer satisfied? You must always tell the customer how to escalate to stage 2	Communicate the decision, normally in writing Signpost the customer to SPSO and advise of time limits
(Yes) Record outcome and learning, and close complaint. *(No) -> to stage 2*	Record outcome and learning, and close complaint
Follow up on agreed actions flowing from the complaint Share any learning points	

Part 4:

Governance

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Roles and responsibilities

1. All staff will be aware of:

    - the Complaints Handling Procedure (CHP)
    - how to handle and record complaints at the frontline response stage
    - who they can refer a complaint to, in case they are not able to handle the matter
    - the need to try and resolve complaints early and as close to the point of service delivery as possible; and
    - their clear authority to attempt to resolve any complaints they may be called upon to deal with.

2. Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.

3. Senior Management and the Corporate Governance Officer will ensure that:

    - Elderpark Housing's final position on a complaint investigation is signed off by an appropriate Director, Manager or the Chief Executive in order to provide assurance that this is the definitive response of Elderpark Housing and that the complainant's concerns have been taken seriously
    - it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
    - it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
    - mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in Elderpark Housing; and
    - complaints information is used to improve services, and this is evident from regular publications.

4. **Management Committee**: As the governing body with responsibility for overseeing our work, our management committee provides leadership and strategic guidance. It also ensures compliance with our policies and procedures. In relation to complaints, its role is threefold:

    - to approve the adoption of the CHP
    - to ensure that staff keep to this CHP and associated internal processes (through involvement with senior management or directly)
    - to ensure that information and learning from complaints are used to improve our understanding of, and to steer, our policies and practices.

5. Particularly important is the management committee's role in developing and fostering a culture that values complaints. The management committee must ensure that recording and reporting of complaints is thorough and effective, so that reports to committee reflect a true picture of all complaints.

6. A Management Committee that values complaints will:

   - support all staff in handling complaints locally, quickly and effectively, to reduce the potential for a complaint to escalate
   - encourage frontline staff to be 'active listeners' and to understand and act on the information they receive
   - set out how complaints data will be reported and used to promote continual improvement
   - ensure that tenants and other customers are kept informed about how we have used feedback to improve services.

7. **Chief Executive***:* The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to Senior Staff. Regular management reports assure the Chief Executive of the quality of complaints performance.

8. The Chief Executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:

   - ensuring performance monitoring for complaints is a feature of the service/management agreements between Elderpark Housing and contractors
   - setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide Elderpark Housing with an overview of how the contractor is meeting its objectives.

9. **Senior Managers**: On the Chief Executive's behalf, Senior Managers may be responsible for:

   - managing complaints and the way we learn from them
   - overseeing the implementation of actions required as a result of a complaint
   - investigating complaints; and
   - deputising for the chief executive on occasion.

10. They may also be responsible for preparing and signing off decisions for customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, Senior Managers may decide to delegate some elements of complaints handling (such as investigations and the drafting of response

letters) to a Manager. Where this happens, Senior Managers should retain ownership and accountability for the management and reporting of complaints.

11. **Complaints investigator (Directors / Managers):** The complaints investigator is responsible and accountable for the management of the investigation. They will be involved in the investigation and in coordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

12. **Corporate Governance Officer:** The Corporate Governance Officer is responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.

13. **The Corporate Governance Officer will act as Elderpark Housing's SPSO liaison officer**: Our SPSO liaison officer's role will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

Recording, reporting, learning from and publicising complaints

14. Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across Elderpark Housing. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

15. We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

Recording complaints

16. It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:

    - the customer's name and contact details
    - the date the complaint was received
    - the nature of the complaint
    - the service the complaint refers to
    - staff member responsible for handling the complaint
    - action taken and outcome at frontline response stage
    - date the complaint was closed at the frontline response stage
    - date the investigation stage was initiated (if applicable)
    - action taken and outcome at investigation stage (if applicable)
    - date the complaint was closed at the investigation stage (if applicable); and
    - the underlying cause of the complaint and any remedial action taken.
    - the outcome of the SPSO's investigation (where applicable).

17. If the customer does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.

    Individual complaint files will be stored in line with our GDPR and document retention policy.

Learning from complaints

18. We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

    - seek to identify the root cause of complaints
    - take action to reduce the risk of recurrence; and

- systematically review complaints performance reports to improve service delivery.

19. Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.

20. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action.

    - the action needed to improve services must be authorised by an appropriate manager
    - an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
    - a target date must be set for the action to be taken
    - the designated individual must follow up to ensure that the action is taken within the agreed timescale
    - where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
    - any learning points should be shared with relevant staff.

21. SPSO has guidance on **Learning from complaints**.

22. The Corporate Governance Officer and Senior Management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

Reporting of complaints

23. We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

24. The Corporate Governance Officer will report at least **quarterly** to the Management Committee on:

    - performance statistics, in line with the complaints performance indicators published by SPSO
    - analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

Publicising complaints information

25. We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services. We will do this using our Newsletters, website and social media channels.

26. This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

27. We will publish an **annual** complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

    - performance statistics, in line with the complaints performance indicators published by the SPSO; and
    - complaint trends and the actions that have been or will be taken to improve services as a result.

28. These reports must be easily accessible to members of the public and available in alternative formats as requested.

Appendix 1 Equality Impact Assessment

Name of Policy to be assessed	Complaints Handling Policy and Procedure	**New policy or revision of existing?**	Revision
Person(s) responsible for assessment		Kerry Clayton	
1. Briefly describe the aims, objectives and purpose of the policy.	The purpose of the Policy is to set out Elderpark Housing's commitment to valuing complaints. To provide a robust framework to ensure all complaints are deal with in a consistent manner in line with SPSO guidance. And set out what can be expected from the association if a complaints is made and embed effective learning and service level improvement into services based on complaints analysis and feedback.		
2. Who is intended to benefit from the policy? (e.g applicants, tenants, staff, contractors)	The Policy is intended to benefit all service users to ensure the complaints process is consistently applied to anyone making a complaints and is accessible to all. It benefits staff in setting out how they should deal with complaints to ensure they are confident and consistent in their approach.		
3. What outcomes are wanted from this policy? (e.g the measurable changes or benefits to members/ tenants / staff)	The intended outcomes are to provide resolution to complaints as close to the point of service delivery as possible. To allow effective learning to inform service delivery which will benefit both the association and its service users.		
4. Which groups could be affected by the policy? (note all that apply)			
Age	✓	**Disability**	✓
Gender reassignment		**Marriage and Civil Partnership**	
Pregnancy and Maternity		**Race**	✓
Religion or Belief		**Sex**	
Sexual Orientation			
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			
6. Have those affected by the policy / decision been involved?			
Not by Elderpark Housing. However, SPSO carried out extensive consultation with Scottish Public Authorities and their services users in developing the model complaints handling procedure.			

7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	**Positive Impact(s)**	**Negative Impact(s)**
	Complaints can be made in a variety of accessible ways and sets out support available to make complaints if required, this could be due to age. It can be provided in a variety of formats.	No negative impacts identified.
8. What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)	Ensuring effective monitoring of the policy is in place and robust Governance practices in recording and analysis data to improve services where required. Ensuring regular training is undertaken by all staff.	
Signed:	Kerry Clayton	
Dated:	26/04/2021	

Appendix 2 GDPR Impact Assessment

Name of Policy to be assessed	Complaints Handling Policy and Procedure	**New policy or revision of existing?**	Revision
Person(s) responsible for assessment		Kerry Clayton	
Briefly describe the aims, objectives and purpose of the policy.	The purpose of the Policy is to set out Elderpark Housing's commitment to valuing complaints. To provide a robust framework to ensure all complaints are deal with in a consistent manner in line with SPSO guidance. And set out what can be expected from the association if a complaints is made and embed effective learning and service level improvement into services based on complaints analysis and feedback.		
Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category)	Personal data relating to those who make a complaint will be stored and data relating to any staff involved should the complaint be made about them. There will be sensitive data stored and this will be done in line with our GDPR and document retention policy. Where data is particularly sensitive access to this will be restricted to those who need to see it to resolve the complaint only.		
What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations)	The Policy sets out to resolve complaint as close to the point of service delivery while company with SPSO and GDPR legislation.		
Which groups could be affected by the policy? (note all that apply)			
Tenants	✓	**Committee**	✓
Employees	✓	**Contractors**	✓
If the policy is not relevant to any of the data groups listed above, state why and end the process here.			
Have those affected by the policy / decision been involved?			
Not by Elderpark Housing. However, SPSO carried out extensive consultation with Scottish Public Authorities and their services users in developing the model complaints handling procedure.			
Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.		**Positive Impact(s)**	**Negative Impact(s)**
		Any of the above groups could have data stored in relation to this policy and committing to comply with our	

	GDPR and Retention Policy provides a positive impact in feeling secure about providing details required to help achieve the overall policy outcomes.	
What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)	Review how complaints are recorded and implement any changes based on the evidence of the review, this could be in relation to improving learning while ensuring compliance with GDPR.	
Signed:	Kerry Clayton	
Dated:	26/04/2021	