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Exceptional care.

CE003

Complaints

Policy

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| Lead Officers | Director of Business Development & Digital Director of Customer Experience |



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1. Introduction

Trust aims to provide high quality services to all tenants and service users. It is recognised that there may be occasions when people receiving or affected by these services are dissatisfied.

This policy aims to set out the key principles of our approach to complaints. A detailed procedure accompanies this policy, clearly setting out the steps to be followed at each stage in the complaints process, and by whom.

The accompanying Complaints Handling Procedure (CHP) complies with guidance produced by the Scottish Public Services Ombudsman.

A member of the public who is affected by a service provided by Trust Housing Association or a service contracted on our behalf also has the right to make a complaint under our CHP.

1.1. Aims and Objectives

The main objective of the complaints policy is to set a framework for dealing with all complaints in a fair, transparent and accountable manner, and to learn from complaints to inform and improve future service delivery.

Trust will always strive to deliver an outcome to the complainant that is fair, reasonable and based on a full investigation of the facts

1.2. Definition of a Complaint

The following definition is used by the Association:

'An expression of dissatisfaction by one or more members of the public about Trust Housing Association's action or lack of action, or about the standard of service provided by or on behalf of Trust Housing Association.'

Trust welcomes complaints as these will assist with the development of services. If there is doubt as to whether the individual wishes to have their issue dealt with as a complaint or not, discretion should be used. Explaining the formal and informal procedures may help to clarify the situation for the individual. If ambiguity persists it must be down to the individual to decide if they are expressing dissatisfaction formally or not. If in doubt, their issue should be dealt with as a formal complaint.

Comments regarding a service failure should be deemed to be complaints and, in these circumstances, service users should be encouraged to make a complaint. Trust welcomes and encourages complaints as a means of gaining feedback from service users. Should the individual decide that they are not expressing dissatisfaction, they should be encouraged to take part in our feedback process, through our developments or Trusts website.

Certain complaints relating to neighbours may be dealt with under Trust's Anti-Social Behaviour Procedure.

2. Advocacy Services

Complainants should be advised that they will be helped and supported to use an independent and confidential advocacy service should they require it. Trust will hear complaints from independent representatives as if these were being expressed by the complainant themselves. Trust recognises that a complainant's advocate may be a family member or friend.

Where a complaint is made on behalf of a customer, Trust must ensure that the customer has authorised the person to act on their behalf.

3. Accessing the Complaints Process

All tenants, service users and members of the public have the right to equal access to our CHP.

Trust must always take into account our commitment and responsibilities to equality and accessibility. Further detail on how Trust will meet our legal duties and support vulnerable customers to complain is laid out in our CHP.

Our procedure is available at all offices, staffed developments and on the Trust website.

Where requested, Trust will assist the complainant to define, quantify and submit their complaint. Trust will assist all service users to formulate and make their complaint should they require it.

Trust will treat all complaints seriously, however, where a complaint is made anonymously, it should be recognised that it may not be possible to fully investigate, reach clear conclusions or take effective action.

Where a complaint is made in relation to the Association's general management or service, in which other tenants may reasonably have an interest, the process may involve a meeting of tenants to help Trust arrive at a satisfactory outcome.

No member of staff may investigate a complaint that relates to themselves.

Trust aims to provide a response within clearly defined timescales as documented in the accompanying procedure to this document.

4. Confidentiality & Data Protection

At all times Trust will maintain the confidentiality of complainants and the content of their complaints. Only those that are designated to do so, by the procedure accompanying this document, will investigate complaints.

Trust will comply with both the Data Protection Act 2018 and the General Data Protection Regulations. Our full privacy policy can be found on the Trust Housing website - www.trustha.org.uk.

5. Complaints and Compensation Claims

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. Please see AMP022 Insurance Claims and Compensation Policy for further details.

6. Processes

Trust will maintain robust, accountable and auditable processes to record, manage and report on complaints received and action taken. Timescales are stated within the procedural document.

6.1. Stage 1 – Frontline Resolution

A complaint is made directly by the complainant, via any staff member. Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

Trust must aim to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer or asking an appropriate member of staff to deal directly with the complaint.

Frontline resolution should be completed within five working days from the recorded date of receipt of the complaint.

6.2. Stage 2 – Investigation

A complaint is made directly by the complainant, via any staff member.

Complaints handled at this investigative stage of the Complaints Handling Procedure are typically complex or require a detailed examination before we can determine an outcome. These complaints may already have been considered at frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents Trusts final position.

Complaints handled at the investigation stage should be completed within twenty working days.

6.3. Extension to the timescale

If it is not possible to comply with the response timescales, the complainant must be advised of the reasons and given a revised target date by the investigating officer.

7. Performance monitoring & Improvement

Complaints will be recorded and monitored to identify any issues or trends. Trust aims to learn from complaints and to use this feedback on service delivery to drive change and improvement within the organisation. Reports will be provided to senior management and the Audit and Performance Committee for this purpose.

8. Reporting

Trust's complaint performance, including business intelligence trends and our overall Key Performance Indicators are reported and reviewed quarterly by the Audit and Performance Committee.

Trust publishes on a quarterly basis information on complaints outcomes and actions taken to improve services. The focus will be on improving positive communication with customers on the value of complaining. This may take the form of case studies, examples of how complaints have helped improve services, and/or 'you said, we did' leaflets. Publication may be through newsletters, websites or other forums used to communicate with customers.

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 complaint's 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.

9. Complaining to External Bodies

Trust acknowledges the right of the complainant to raise concerns regarding the association with the Scottish Public Services Ombudsman, who provide administrative justice and scrutiny, after the conclusion of the association's complaints process. The Ombudsman would usually require the issue to be raised with them within 12 months of the complainant receiving Trusts' decision has been made.

Complaints may also be raised with the appropriate local authority, as a service funder, and/or the Care Inspectorate, who provide regulation of care and support providers, at any time.

Trust recognises its duty to publicise the rights of service users to contact external bodies regarding their complaint. However, Trust would welcome the opportunity to address any complaints internally prior to the involvement of any other bodies.

10. Persistent & Vexatious Complainants

Complainants identified as persistent and vexatious will be dealt with under the policy and procedure of the same name. Complainants demonstrating unreasonable behaviour, as outlined in the policy, can be referred to the persistent and vexatious policy and procedure at any point during the process at the discretion of senior management only.

Once a complainant has been referred to the Persistent and Vexatious procedure all their complaints will be dealt with under that policy and procedure. This will be subject to review as outlined in the Persistent & Vexatious Procedure. Complaints made by those referred will still be given all due and appropriate consideration. Referral to this procedure does not represent a diminished service from Trust

11. Publicising the Complaints Policy

Trust welcomes complaints and the opportunity to improve service provision through learning from feedback. To encourage service users to provide this feedback the Association will take appropriate action to publicise its complaints process.

Trust is committed to the highest standards of ethical conduct and integrity in all its activities and, in order to ensure compliance with the Bribery Act 2010, it has introduced an Anti-Bribery policy and procedures.

These must be adhered to by all employees, Board Members and associated persons or organisations acting for or on behalf of Trust when undertaking any actions referred to in this policy.

12. Outcomes & Standards

12.1. Scottish Social Housing Charter Outcomes & Standards

- Outcome 1: Equalities
- Outcome 2: Communication

12.2. Regulatory Standards of Governance & Financial Management

- N/A

13. Data Protection

We will comply with the provisions of the Data Protection Act 2018, which gives individuals the right to see and receive a copy of any personal information that is held about them by the Association and to have any inaccuracies corrected.

14. Anti-Bribery

The Association is committed to the highest standards of ethical conduct and integrity in all its activities and, to ensure compliance with the Bribery Act 2010, it has introduced an Anti-Bribery policy and procedures. These must be adhered to by all employees, Board Members and associated persons or organisations acting for or on behalf of Trust when undertaking any actions referred to in this policy.

15. Statement Equality, Diversity & Inclusion (EDI)

As leaders of EDI, the Association aims to promote equality and diversity and operate equal opportunities policies which inform all aspects of its business. It will ensure that it adheres to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. As such, in considering this policy, no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:

- disability;
- sex;
- gender reassignment;
- pregnancy and maternity;
- race;
- sexual orientation;
- religion or belief;
- marriage and civil partnership;
- age;

or because of any other condition or characteristic which could place someone at a disadvantage were it to be taken into account, unless this can be objectively justified in terms of the legislation.

Trust will make reasonable adjustments for disabled people where necessary and possible to do so and will use Happy to Translate tools and procedures to help overcome a language barrier.

16. Policy Review

This policy will be reviewed on a three-yearly basis. The purpose of the review is to assess the policy's effectiveness and adhering to current legislation and good practice and identify any changes which may be required.

17. Document References

In all of the Association's official documents, where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job titles, roles, groups or committees resulting from any restructuring or organisational changes made within the

Association (or, where this policy also applies to another member of the Trust group, made within that group member) between policy reviews.