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CE003

Complaints Handling

Policy

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



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1. Introduction

Trust Housing Association aims to provide high-quality services to all customers and anyone else who uses or are affected by our services. We recognise that there may be occasions when people are dissatisfied with something we have done, failed to do, or with the standard of service provided by us or on our behalf.

We value complaints as an important source of feedback. Complaints help us understand people's experiences, put things right where we can, learn from what has happened and improve our services.

This policy and the accompanying Complaints Handling Procedure are based on the Scottish Public Services Ombudsman's:

- Statement of Complaints Handling Principles;
- Model Complaints Handling Procedure for Registered Social Landlords;
- Child Friendly Complaints Handling Principles; and
- associated complaints-handling guidance and good practice.

We aim to ensure that our complaints process is:

- person-centred and accessible;
- simple and timely;
- fair, impartial and evidence-based;
- respectful and compassionate;
- focused on early resolution wherever possible;
- transparent and accountable;
- sensitive to the wellbeing of everyone involved; and
- focused on learning and continuous improvement.

1.1. Aims and Objectives

Our complaints framework aims to:

- make it easy for people to tell us when something has gone wrong;
- recognise expressions of dissatisfaction as complaints without requiring people to use particular words or complete a particular form;
- resolve complaints as early and as close to the point of service delivery as possible;
- provide fair, proportionate and impartial consideration of complaints;
- provide appropriate support and reasonable adjustments;
- ensure children and young people can raise concerns and complaints in ways that work for them;
- provide clear explanations, apologies and appropriate remedies where things have gone wrong;
- identify and address the root causes of complaints;
- use complaints to improve services; and

- provide appropriate governance and assurance over complaints performance.

1.2. Definition of a Complaint

A complaint is:

> *'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.'*

A person does not need to use the word "complaint", put their complaint in writing or complete a particular form. Where someone expresses dissatisfaction that meets this definition, we will recognise and respond to it appropriately.

If a person makes clear that they do not want their concern handled as a complaint, we will respect their wishes wherever appropriate. We may still record anonymised information about the issue for learning purposes and may take action where the matter identifies a significant service, safety or organisational concern.

Certain complaints relating to neighbours or other members of the public will be dealt with under Trust's Antisocial Behaviour Policy & Procedure.

2. Access, support and advocacy

Everyone has the right to fair and equal access to our complaints process. Our procedure is available at all offices, staffed developments and on the Trust website.

We recognise that some people may experience barriers to making or participating in a complaint. We will take reasonable and proportionate steps to remove those barriers.

This may include:

- making reasonable adjustments;
- providing information in alternative formats;
- providing interpretation or translation;
- adapting how and when we communicate;
- supporting people who experience digital exclusion;
- helping someone explain or record their complaint;
- accepting complaints in an accessible format;
- providing information about independent advocacy or advice; and
- accepting complaints from authorised representatives.

We will ask people whether they need any support or adjustments and, where appropriate, record agreed communication requirements so that they do not have to repeatedly explain their needs.

A representative may include a relative, friend, advocate or adviser. We will obtain appropriate consent before sharing personal information with a representative.

3. Children and young people

Trust is committed to ensuring that children and young people can raise concerns and complaints safely and in ways that are appropriate to their age, understanding, communication needs and circumstances.

Our approach follows the SPSO Child Friendly Complaints Handling Principles and associated Process Guidance and is designed to respect and uphold children's rights.

A child is anyone under the age of 18.

The child-friendly approach applies where:

- a child or young person makes a complaint themselves;
- an adult makes a complaint on behalf of a child or young person; or
- a complaint made by an adult concerns something that directly affects a child or young person.

We will:

- listen to the child's views;
- consider who owns the complaint;
- take account of the child's age, capacity, understanding and wishes;
- consider the child's best interests;
- explain the process in a way the child can understand;
- allow the child to communicate in a way that works for them;
- provide appropriate support;
- involve a parent, carer, advocate or other trusted adult where appropriate;
- seek and record the child's informed consent where an adult raises a complaint on their behalf, taking account of the child's age, capacity, understanding and wishes; where consent cannot appropriately be obtained, we will record the reasons and any best-interest decision made;
- respect the child's privacy as far as possible;
- explain where information may need to be shared to protect the child or another person from harm; and
- explain the outcome and any next steps in an accessible way.

Where safeguarding concerns arise, the safety and wellbeing of the child will take priority and Trust's relevant safeguarding procedures will apply.

4. Confidentiality and Data Protection

We will handle complaints sensitively and protect personal information appropriately.

Information will only be shared where there is a legitimate reason to do so, including where information is required to investigate and respond to the complaint.

We will comply with the UK General Data Protection Regulation, Data Protection Act 2018 and other applicable information-governance requirements.

A request to exercise a data-protection right, such as a Subject Access Request, is not itself a complaint under this procedure.

Data-protection complaints will be handled in accordance with Trust's Data Protection Complaints Procedure and applicable statutory timescales. We will give people a clear way to make such a complaint, keep them informed and explain their right to complain to the Information Commissioner's Office.

Further information is available in Trust's Data Protection Policy and Privacy Notice, available on our website at www.trustha.org.uk.

5. Complaints and Compensation Claims

A request for financial compensation alone is not normally a complaint.

However, someone may complain about the circumstances that led to a compensation claim, for example a service failure, delay or damage caused while providing a service.

Where appropriate, we may consider the service complaint under this procedure while dealing with the financial claim separately under the relevant insurance or compensation arrangements.

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. Trust operates the SPSO two-stage complaints process.

6.1. Stage 1 – Frontline response

Stage 1 is intended for straightforward complaints that require little or no investigation.

We aim to resolve complaints as early and as close to the point of service delivery as possible.

We will provide our Stage 1 response within five working days, unless exceptional circumstances justify an extension of no more than a further five working days in accordance with our Complaints Handling Procedure.

6.2. Stage 2 – Investigation response

Stage 2 is used where:

- the customer remains dissatisfied following the Stage 1 response and asks for further consideration;
- the customer refuses to engage with attempts to handle the complaint at Stage 1 and insists that it should be investigated;
- the complaint is complex or requires detailed investigation; or
- the complaint is serious, high-risk or high-profile.

A customer does not need to use the words “Stage 2” or “investigation”. A clear expression of dissatisfaction with the Stage 1 response will be treated as a request for Stage 2 consideration unless the customer says otherwise.

We will acknowledge a Stage 2 complaint within three working days.

We will provide our final response as soon as possible and within 20 working days, unless an extension is authorised in accordance with our Complaints Handling Procedure.

Where the 20-working-day timescale cannot be met, the extension must be authorised and managed in accordance with the Complaints Handling Procedure. We will explain the reason for the delay, provide a realistic revised completion date and update the customer, and any employee complained about where appropriate, at least once every 20 working days until the complaint is concluded.

7. Fairness and impartiality

Complaints will be considered fairly, objectively and proportionately.

A Trust employee may resolve a straightforward Stage 1 complaint involving their own service where this simply requires an explanation, apology or immediate corrective action.

However, no Trust employee should investigate disputed allegations about their own conduct or determine a complaint where their involvement could reasonably call the impartiality of the decision into question.

Stage 2 complaints should, wherever possible, be investigated by someone who has not been directly involved in the matters complained about.

Complaint decisions will be clear, evidence-based and proportionate. Final responses will explain the points considered, relevant evidence, findings, decisions and reasons; acknowledge the effect on the customer; provide an apology or other remedy where appropriate; identify actions and learning; and explain relevant escalation or external-review rights.

Responses will be communicated in an accessible, person-centred and non-confrontational manner.

8. Learning and improvement

Complaints are an important source of organisational learning.

We will:

- identify the underlying causes of complaints;
- identify appropriate corrective and preventative actions;
- assign responsibility and timescales for improvement actions;
- monitor completion of agreed actions;
- analyse complaint themes and trends;
- share learning across Trust where appropriate; and
- use complaints information to improve services.

Learning can arise from any complaint, regardless of whether it is upheld.

9. Reporting and governance

Complaints performance will be reported regularly to senior management and Audit & Performance Sub-Committee.

Our reporting will include the complaints performance information required by SPSO, including:

- complaints received;
- complaints closed within the required timescales;
- average time taken to respond; and
- complaint outcome.

We will publish information about our complaints performance on a quarterly basis via the Trust website. We will also publish an annual complaints performance report, including the SPSO's four mandatory complaints performance indicators, by the end of October each year.

10. External review

10.1. Scottish Public Services Ombudsman

Once a customer has completed Trust's complaints process, they can ask the Scottish Public Services Ombudsman to consider their complaint.

Normally, the SPSO expects a complaint to be made to them within 12 months of the person becoming aware of the matter complained about, although the SPSO may exercise discretion in appropriate circumstances.

Our final Stage 2 response will explain how to contact the SPSO.

10.2. Scottish Housing Regulator - Serious Concerns

The Scottish Housing Regulator can consider a Serious Concern, using the statutory significant performance failure route, where a landlord regularly and repeatedly fails to meet regulatory requirements, the failure affects or could affect a group of tenants, and tenants' interests are put at risk. Trust will display and make available the Regulator's current tenant factsheet in its offices and on its website and will provide it to groups representing tenants' interests.

More information on this process is available on our website.

10.3. Other external bodies

Depending on the nature of the service or complaint, customers may also have rights to approach another body, including:

- the Care Inspectorate;
- the relevant local authority, where it funds or commissions the service;
- the First-tier Tribunal for Scotland (Housing and Property Chamber);
- the Information Commissioner's Office; or
- another relevant regulator or statutory body.

We welcome the opportunity to resolve concerns through our own process, but this does not restrict a person's right to approach the Care Inspectorate or another regulator or statutory body directly where that route is available.

Trust will publicise and explain relevant external complaint and review routes. The appropriate external route will depend on the person's tenure, the service concerned and the subject of the complaint. Trust will provide case-specific signposting in its final response.

11. Respectful engagement and unacceptable actions

We recognise that people may be upset, distressed or frustrated when making a complaint. We will always treat people with dignity and respect and expect our colleagues to be treated respectfully.

Where someone's actions become unacceptable or place unreasonable demands on Trust, we may manage or restrict contact in accordance with our relevant policy.

Any restriction will be:

- necessary;
- proportionate;
- as limited as possible;
- clearly explained;
- subject to appropriate authorisation;
- capable of review or appeal; and
- kept under review.

Restricting how someone contacts Trust will not normally prevent us from considering the substance of their complaint.

More information on this can be found in the CE004 Managing Unreasonable Behaviour 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.