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COMPLAINTS HANDLING POLICY

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(1) INTRODUCTION

Milnbank Housing Association's (MHA) Complaints Handling Policy (the Policy) reflects the commitment to valuing genuine complaints, 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 has been developed by the Scottish Public Services Ombudsman (SPSO), with significant input from housing complaints handling professionals. A standard approach to handling complaints across the housing sector, which complies with the SPSO's guidance on a model complaints handling procedure, has been produced. This procedure aims to help MHA 'get it right first time' to enable a quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

Throughout the Policy reference is made to 'customer'. This is in recognition that, as well as tenants and owners, the Complaints Handling Policy also extends to any member of the public who has access to or is affected by any of MHA services.

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

MHA recognise that resolving complaints early saves money and creates better customer relations. By sorting them out as close to the point of service delivery as possible means they can be dealt with quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload.

The Policy aims to help us do our job better, improve relationships with our service users and enhance public perception of MHA. It will help us keep the customer at the heart of the process, while enabling us to look to improve our services by learning from complaints received.

(A summary of the Complaints Handling Policy is available from MHA's office and our website)

(2) WHAT IS A COMPLAINT?

Milnbank Housing Association's definition of a complaint is:

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

(3) WHAT CAN I COMPLAIN ABOUT?

Customers can complain about things like:

- 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
- 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 time frame
- Dissatisfaction with one of our policies or its impact on the individual
- Failure to properly apply law, procedure or guidance when delivering services
- Failure to follow the appropriate administrative process
- Conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
- Disagreement where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

Your complaint may involve more than one MHA service or be about someone working on our behalf.

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

(4) WHAT CAN'T I COMPLAIN ABOUT?

There are some things we can't deal with through our complaints procedure. These include:

- A routine first-time request for a service
- A request for compensation only
- Issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
- Disagreement with a decision (such as 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 unsubstantial 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 issues (**except** where the other organisation is delivering services on our behalf)

We will not treat these issues as complaints and will instead direct customers to use the appropriate procedures. If a matter is not a complaint, or not suitable to be

handled under the Complaints Handling Policy we will explain this and advise what action (if any) we will take and why.

Appendix 2 gives more examples of 'what is not a complaint' and how to direct customers appropriately.

(5) WHO CAN COMPLAIN?

Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example a relative, friend, advocate or adviser).

If you are making a complaint on someone else's behalf you will normally need their written consent. Please also read the section on getting help to make your complaint.

(6) HOW DO I COMPLAIN?

You can complain in person at MHA office, by phone, in writing or by email. MHA does not have any social media platforms therefore complaints cannot be made digitally via this route.

It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please talk to a member of staff at the service you are complaining about, then they can try to resolve the issue.

When complaining please tell us:

- Your full name and contact details
- As much detail as you can about the complaint
- What has gone wrong, and
- What outcome you are seeking

(7) SUPPORTING THE CUSTOMER

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.

Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the Policy. MHA will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.

We have legal duties to make our complaints service accessible under equalities legislation.

The main legislation MHA complies with is The Equality Act 2010. Details of the key points for this and other relevant legislation, and how they impact on MHA, in terms of equality & diversity is as follows:

- a) The Equality Act 2010 - Under this Act it's unlawful to discriminate against anyone because of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. It also covers direct and indirect discrimination, discrimination by association, perception discrimination, harassment, third party harassment and victimisation.

The Association is committed to the implementation of good practice throughout the organisation and to the provisions of the various Equality & Diversity legislation, Codes of Practice and Guidance Notes.

(8) OUR CONTACT DETAILS

Complaints should be directed to the service concerned eg. Housing Services, Asset Management etc.

Milnbank Housing Association
53 Ballindalloch Drive
Glasgow
G31 3DQ
Tel: 0141 551 8131
Email: admin@milnbank.org.uk

(9) HOW LONG DO I HAVE TO MAKE A COMPLAINT?

Normally you must make your complaint within six months of:

- The event you want to complain about; or
- Finding out that you have a reason to complain

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

(10) WHAT HAPPENS WHEN I HAVE COMPLAINED?

A complaint may be made to any relevant member of staff. All staff are aware of the Policy, how to handle and record complaints at the frontline stage. They are also aware of whom to refer a complaint to, in case they are unable to personally handle the matter. MHA encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage 1: Frontline response

We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

If you are not satisfied with the response we give at this stage, we will tell you what

you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:

- Within six months of the event you want to complaint about or finding out that you have a reason to complain; or
- Within 2 months of receiving your stage 1 response (if this is later).

In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage 2: Investigation

Stage 2 deals with two types of complaint: where the customer remains dissatisfied after stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.

When using Stage 2:

- We will acknowledge receipt of your complaint within three working days.
- We will confirm our understanding of the complaint we will investigate and what outcome you are looking for
- We will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- Where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limited and keep you updated on progress,

What if I am still dissatisfied?

If, after we have given you our final decision, you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

There are some complaints about housing that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

The SPSO is an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support). You can ask the SPSO to look at your complaint if:

- You have gone all the way through MHAs complaints handling procedure
- It is less than 12 months after you became aware of the matter you want to complaint 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 our final response to your complaint. You can do this online at www.spsso.org.uk/complaint/form or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on Getting help to make your complaint.

The SPSOs 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: www.spsso.org.uk/contact-us
Website: www.spsso.org.uk

Appendix 3 outlines a quick guide to MHA complaints procedure

(11) HANDLING ANONYMOUS COMPLAINTS

MHA treats all genuine complaints, including anonymous complaints, seriously 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. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it. Any decision not to pursue an anonymous complaint must be authorised by the Directorate.

If an anonymous complaint makes serious allegations, it will be referred to the Directorate immediately

(12) CARE COMPLAINTS

If your complaint relates to a care service we provide, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint by contacting them.

The Care Inspectorate has several offices around Scotland. Please refer to <http://www.scswis.com/>

(13) REPORTING A SIGNIFICANT FAILURE TO THE SCOTTISH HOUSING REGULATOR

The Scottish Housing Regulator (SHR) can consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord has not resolved. This is something that is a systemic problem that does, or could, affect all of a landlord's tenants. If you are

affected by a problem like this, you should first report it to us. If you are affected by a problem like this, you should first report it to us. If you have told us about it but we have not resolved it you can report it directly to the SHR.

A complaint between an individual tenant and a landlord is not a significant performance failure. Significant performance failures are not, therefore, dealt with through this complaints procedure. You can ask us for more information about significant performance failures. The SHR also has more information on their website www.scottishhousingregulator.gov.uk

(14) WHAT IF THE CUSTOMER DOESN'T WANT TO COMPLAIN?

If a customer expresses dissatisfaction in line with our definition of a complaint but does not want to complain, we will consider all expressions of dissatisfaction, as customer complaints offer MHA the opportunity to improve services where things have gone wrong. MHA will ensure that the customer is updated on the action taken and receives a response to their complaint.

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).

(15) GETTING HELP TO MAKE YOUR COMPLAINT

We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

Scottish Independent Advocacy Alliance
Tel: 0131 510 9410
Website: www.siaa.org.uk

You can also find out about advisers in the area through Citizens Advice Scotland.

Citizens Advice Scotland
Website: www.cas.org.uk

(16) COMPLAINTS INVOLVING MORE THAN ONE SERVICE OR ORGANISATION

Complaints involving more than one area or organisation

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.

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.

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 MHA through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection.

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

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 MHA'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.

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.

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

(17) FACTORING COMPLAINTS

The SPSO does not normally look at complaints about MHA factoring services. The First-Tier Tribunal for Scotland (Housing and Property Chamber) will try to resolve complaints and disputes between home owners and property factors. If the complaint is about a factoring service, and the person is still dissatisfied after MHA investigation stage, the First-Tier Tribunal for Scotland (Housing and Property Chamber), Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT. Tel: 0141 302 5900, Email: HPCAdmin@scotcourtribunals.gov.uk can be contacted.

(18) RECORDING, REPORTING, LEARNING AND PUBLICISING COMPLAINTS

Complaints provide valuable customer feedback. One of the aims of the Policy is to identify ways to improve services, update procedures across MHA and any staff training opportunities. All complaints are recorded in a systematic way so that the details can be analysed and reported to the Management Committee. MHA regularly publish the outcome of complaints, the actions taken in response and examples to demonstrate how complaints have helped improve services. This demonstrates the

improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and demonstrates to our customers that we value genuine complaints.

Where MHA has identified the need for service improvement, we will identify the action needed to improve services, identify a designated owner of the issue who will be responsible for ensuring the action is taken within a set date. Complaints handling is monitored as part of MHA's internal compliance checks.

MHA also report our performance in handling complaints to the SHR, through the ARC. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

(19) MAINTAINING CONFIDENTIALITY AND DATA PROTECTION

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. MHA is aware of meeting legal requirements like GDPR, as well as internal policies on confidentiality and the use of customers' information.

MHA controls the personal information that we collect, this means that we are legally responsible for how we collect, hold and use personal information. It also means that we are required to comply with the General Data Protection Regulations (GDPR) when collecting, holding and using personal information.

(20) MANAGING UNACCEPTABLE BEHAVIOUR

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance. A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, MHA will treat all complaints seriously and properly assess them. However, we also recognise that the action of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. MHA will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers.

MHA have adopted an Unacceptable Behaviour Policy to deal with such instances of behaviour.

(21) COMPLAINTS HANDLING POLICY REVIEW

The monitoring of Complaints Handling Policy is delegated to the Directorate and findings presented to Management Committee. The policy is reviewed and adopted biannually or as otherwise deemed necessary by the Management Committee.

APPENDIX 1 – COMPLAINTS AT FRONTLINE RESPONSE

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

Complaints	Possible actions
The customer complains that her rent payment direct debit has been set up wrongly	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 not complete • Feedback the lessons learned from the complaint into a service improvement plan
The customer complains that his support worker turned up late and was smoking	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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, 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?

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.

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.

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

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.

Steer the customer towards the appeals process for allocation decisions.

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.

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.

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

Update the complaint as appropriate and consider whether to report the case to senior management/the Management Committee.

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

Example 2: Claims for compensation

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.

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.

You can still make time and trouble payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.

Example 3: Anti-social behaviour complaints

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 near by). We initially handle such concerns through our Dealing with 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.

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.

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.

APPENDIX 3

QUICK GUIDE TO OUR COMPLAINTS PROCEDURE

Complaints Procedure

You can make your complaint in person, by phone, by email or in writing.

We have a **2 stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.

If your complaint relates to a care service you can choose to complain to us or to the Care Inspectorate

Stage 1: Frontline Response

We will always try to respond to your complaint quickly, within **5 working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at Stage 2.

Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **3 working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** unless there is clearly a good reason for needing more time.

Scottish Public Services Ombudsman (SPSO)

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

There are some complaints about housing that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.