



Complaints Policy

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INVESTOR IN PEOPLE

Providing homes, supporting communities

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1.0 Hjaltland Values

Our Vision

Providing homes, supporting communities

Our Values

Teamwork

Working together as one team, to the benefit of our customers. To demonstrate and extend trust in each other.

Open, Honest & Inclusive

We offer a people focused service that is centred in fairness and integrity. We believe in being open, honest and respectful in everything we do.

Ownership

We expect our staff to take responsibility for their actions and give them the freedom to do their job in a positive working environment.

Quality

We value quality in everything we do from the standard of our product to the level of service we provide. We take pride in making a difference in communities and providing continuous improvement.

Innovation

We seek to ensure we have sustainable housing, fit for future generations, maintained and developed to the highest possible standard.

2.0 Introduction

Our Complaints Policy is to ensure our procedures are based on the SPSO's model. 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 has been adapted from the model development by the Scottish Public Services Ombudsman. The SPSO have tried to produce a standard approach to handling complaints across the housing sector.

3.0 Aims and Objectives

This procedure aims to help us to 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

Complaints give us valuable information we can use to improve customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the service user's 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.

Resolving complaints early saves money and creates better customer relations. Sorting them out as close to the point of service delivery as possible 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 resolve swiftly can greatly add to our workload.

The complaints handling procedure will help us do our job better, improve relationships with our service users and enhance our public perception. It will help us keep the customer at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

4.0 What is a Complaint?

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

Complaints can be made 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;
- 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); 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).

Complaints may involve more than one of our services or be about someone working on our behalf.

5.0 What can I complain about?

Complaints can be made 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;
- 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); 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).

Complaints may involve more than one of our services or be about someone working on our behalf.

6.0 What can't be complained about?

There are some things that can't be dealt with by the complaints procedure.
These include:

- a routine first-time request for a service for, example reporting a problem that needs to be repaired or initial action on anti-social behaviour;
- requests for compensation;
- our policies and procedures that have a separate right of appeal, for example, if a service user is dissatisfied with the level of priority they have been given when applying for a house, they may have the right to appeal against the decision;
- issues that are in court or have already been heard by a court or a tribunal;
- 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 following a stage 2 investigation;
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions by Complainant 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).

If other procedures or rights of appeal can help the service user resolve their concerns, we will give information and advice to help them.

7.0 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 a complaint below

8.0 How to complain

Service users can complain in person at any of our offices, by phone, in writing, by email or by using our <https://www.hjaltland.org.uk/customers/complaints>. (Complaints Flowchart Appendix 1)

It is easier for us to resolve complaints if they are made quickly and directly to the service concerned. Services users should talk to a member of our staff from the service they are complaining about. We should try to resolve any problems on the spot.

To receive a complaint we require:

- full name and address;
- as much detail as possible about the complaint;
- what has gone wrong; and
- what outcome you are seeking.

9.0 How long does a service user have to make a complaint

Normally, the complaint must be made within six months of:

- the event being complained about; or
- the service user finding out that they have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If the service user feels that the time limit should not apply to their complaint, they should tell us why.

10.0 Contact Details

Hjaltland Housing Association
6 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Telephone: 01595 694986

Email:

mail@hjaltland.org

Website:

<https://www.hjaltland.org.uk/>

11.0 What happens on Receipt of a complaint

We will always inform the service user who is dealing with their complaint. Our complaints procedure has two stages:

Stage One – Frontline Resolution

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong and immediate action to resolve the problem.

We will give 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 complain about or finding out that you have a reason to complain; or
- within two 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 Two – 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 the complaint within three working days;
- we will confirm our understanding of the complaint we will investigate and what outcome they are looking for
- try to resolve the complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and where we cannot resolve the complaint, we will give 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 them. We will agree revised time limits and keep them updated on progress.

12.0 What if the Service User is still dissatisfied

After we have given them our final decision, if they are still dissatisfied with our decision or the way we dealt with their complaint, the service user 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, a matter that has been or is being considered in court.

To contact SPSO:

In person:

SPSO

Bridgeside House

99 Macdonald Road

Edinburgh

EH7 4NS

By Post

Freepost SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>

13.0 Complaints about factoring

The SPSO does not normally look at complaints about our factoring service.

The Housing and Property Chamber will try to resolve complaints and disputes between home owners and property factors. So if the complaint is about a factoring service, and the service user is still dissatisfied after our investigation stage the service user will be able to go to the Housing and Property Chamber.

To contact the Housing and Property Chamber First-tier Tribunal for Scotland:

Housing and Property Chamber First-tier Tribunal for Scotland

Glasgow Tribunals Centre

20 York Street

Glasgow

G2 8GT

Telephone: 0141 302 5900
Fax: 0141 302 5901

Email: HPCAdmin@scotcourtsribunals.gov.uk

14.0 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 complaint's procedure, or make a complaint, by contracting the Care Inspectorate:

Telephone: 0345 600 9527

Email: enquiries@careinspectorate.gov.scot

Online complaints: www.careinspectorate.com or their website www.scswis.com

15.0 Reporting a significant performance 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 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 systematic problem that does, or could, affect all of a landlord's tenants. If the service user is affected by a problem like this, they should first report it to us. If they have told us about it but we have not resolved it, they 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 now, therefore, dealt with through this complaints handling procedure. Service users can ask us for more information about significant performance failures. The SHR also has more information on their website:

<http://www.scottishhousingregulator.gov.uk/>

Phone: 0141 242 5642

16.0 Getting help to make a Complaint

We understand that service users may be unable, or reluctant, to make a complaint themselves. 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 the service user has given them consent to complain for them.

The Scottish Independent Advocacy Alliance or Citizens Advice Bureau will provide advice on advocates in the area.

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410 Website: www.siaa.org.uk

Citizens Advice Scotland

Website: www.cas.org.uk

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services.

If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 01595 694986 email us at mail@hjaltland.org.

17.0 Comment and Compliments

Comments and compliments may also be made using the same contact methods as complaints. All compliments will be recorded and reviewed.

18.0 Equality, Diversity and Human Right Impact Assessment

The Association is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation. Our aim as landlord, service provider and employer is to recognise the needs of all individuals, and ensure these commitments are evident throughout every aspect of our business and our activities. The Association assesses and reviews all new and revised policies and procedures, and an Impact Assessment is available Appendix 2.

19.0 GDPR

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in Hjaltland Housing Associations Privacy notices.

20.0 Monitoring and Review

The Complaints Policy will be reviewed no less than every 3 years or earlier if change is required by the SPSO.

Appendix 1

Complaints Procedure Flowchart

Complaints procedure

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

We have a **two-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 resolve your complaint quickly, within **five 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 **three 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

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.

Policy proposal to be assessed: Complaints Policy

Existing Policy: Revision

Person responsible for the assessment: Kim Laidlaw

<p>Briefly describe the aims/objectives and purpose of the policy/proposal</p>	<p>The aim of the Complaints Policy is to provide an effective fair and responsive mechanism for customers or their representatives to complain about services provided by HHA and to reflect the SPSO Model complaints handling procedures (MCHP's)</p> <p>HHA is committed to ensuring that the Complaints policy assists accountability and supports future development of services to address disproportionate or unfavorable treatment</p>
<p>Who is intended to benefit from the policy/proposal? (e.g. applicants, tenants, staff, contractors)</p>	<p>This policy is intended to ensure that all customers who are dissatisfied with the services they have received from the organisation will have the right for their concerns to be considered and if necessary rectified with due redress if appropriate.</p> <p>All customers will benefit as a result of improvements to services made as a result of individual complaints or from regular analysis of complaints and also as a result of knowing that their complaints will be dealt with fairly and equitably.</p>
<p>What outcomes are wanted from this policy/proposal? (e.g. the benefits to customers)</p>	<p>To promote fairness for all customers by identify actions to be taken to mitigate any poor practice / procedures and to improve services provided by HHA</p>

<p>Describe the likely positive or negative impact(s) the policy/proposal could have on the groups</p>	<p>Positive impact(s)</p>	<p>Negative impact(s)</p>
<p>Age</p>		<p>Older People: In some instances the complainant may be an older person due to health issues such as dementia. We need to ensure that correct support is put in place and</p>

		that robust referral mechanisms are available to the relevant agencies.
Disability		<p>Mental Health: Some people may find it difficult to understand the policy or to navigate their way through the process. Support may be required to help.</p> <p>Visual or Auditory Disability: Some people may find it difficult to follow the process due to a sight or hearing impairment. Support and assistance may be required and also documentation in braille or BSL translation may be required.</p>
Gender re-assignment		
Marriage and civil partnership		
Pregnancy and maternity		
Race		<p>Minority Ethnic: In some instances English may not be the first language of the complainant. Need to ensure adequate support is put in place via translation services to assist the complainant through the process</p>
Religion or belief		
Sex		
Sexual orientation		

Actions Required to Address Impact

<p>What actions are required to address the impacts arising from this assessment? (<i>This might include: collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i>).</p>	<p><u>Disability</u> – all policies can be supplied in a preferred format (for example, in large print). Ensure that where necessary a member of staff assists with explaining the form and assisting with completion.</p> <p><u>Race</u> – where language is a barrier, translation services can be provided, and The Association has 'google translate' as a function on the webpage.</p>
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