



Rutherglen & Cambuslang Housing Association

Complaints Handling Policy

Purpose	<p>This policy sets out the arrangements the Association has in place to effectively handle complaints and for seeking fair and proportionate redress for customers that have experienced inconvenience, distress or loss due to the actions or inactions of the Association.</p> <p>It supports the Association’s commitment to continual improvement to its services and performance.</p>
Regulatory Requirements	<p>Tenant and service user redress</p> <p>Make information on reporting significant performance failures, including our leaflet, available to its tenants.</p> <p>Provide tenants and other service users with the information they need to exercise their right to complain and seek redress, and respond to tenants within the timescales outlined in its service standards, in accordance with guidance from the Scottish Public Services Ombudsman (SPSO).</p> <p>Ensure it has effective arrangements to learn from complaints and from other tenant and service user feedback, in accordance with SPSO guidance</p> <p>Standard 2 : The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p>
Regulatory Guidance	<p>Guidance 2.3 : The governing body is open and transparent about what it does, publishes information about its activities and, wherever possible, agrees to requests for information about the work of the governing body and the RSL.</p>

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1.0 INTRODUCTION

Rutherglen and Cambuslang Housing Association is committed to providing all our service users, partners and stakeholders with the highest possible standard of service. It is accepted however that there will be occasions when things go wrong or are perceived to have gone wrong, leaving customers dissatisfied with the service they have received.

The Association views every expression of dissatisfaction as a complaint and sees them as an opportunity to learn how it can improve services and performance. At the same time the Association wishes to resolve complaints quickly and effectively in order to maintain customer satisfaction and achieve value for money.

The Complaints Policy puts in place a framework for the fair and efficient handling of complaints across the organisation and reflects the Scottish Public Services Ombudsman's (SPSO) model complaints handling procedures.

2.0 MODEL COMPLAINTS HANDLING PROCEDURE

The Public Service Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman (SPSO) powers in relation to the publication and compliance with model complaints handling procedures.

The Model Complaints Handling Procedure was first published in 2012 and revised in 2020.

Compliance with the Model Complaints Handling Procedure is monitored by the Scottish Housing Regulator.

3.0 POLICY AIMS

The Association's Complaints Policy aims to;

- Ensure service users are clear about who can make a complaint, what they can complain about and how the Association will deal with their complaint in order that they can better hold the Association accountable
- Resolve complaints as close as possible to the point of service delivery
- Provide a standard, simpler and more streamlined approach to handling complaints that is fair and consistent
- Ensure complaints are investigated in a thorough and impartial manner

- Ensure outcomes are based on evidence and facts of the case
- Help the Association improve its services
- Promote a culture within the organisation that values complaints
- Ensuring staff understand what a complaint is and are confident in applying the procedures
- Comply with the SPSO's model procedures

4.0 THE VALUE OF COMPLAINTS

Welcoming and dealing with complaints efficiently has a number of advantages for the Association including;

- Maintaining and improving good customer relations
- Building customers' trust in, and respect for, the Association
- Providing valuable information on where improvements can be made
- Demonstrating that the Association values customers and their feedback – good and bad

5.0 DEFINITION

A complaint will be regarded as any expression of dissatisfaction about one or more service provided by the Association or about someone working on the Association's behalf.

This does not have to be a formal written complain but may be verbal notification or comment that relates to;

- The Association's failure or refusal to provide a service
- Inadequate quality or standard of service
- 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 the Association's policies or its impact on an individual or group
- The Association's failure to apply the law, correct procedure or guidance when delivering services
- The Association's failure to follow the appropriate administrative process
- The conduct, treatment by, or attitude of a member of staff, Board of Management member when acting on behalf of the Association or a contractor

(unless there are arrangements in place for the contractor to handle the complaint themselves)

NB – the above list is not exhaustive and the Association will take a broad view of what is classed as a complaint.

A complaint is not;

- A routine, first-time request for a service (e.g. a reporting a repair)
- A request for compensation only
- An issue that is in court or has already been heard by a court or a tribunal
- A disagreement with a decision where there is a statutory procedure for challenging that decision such as an established appeals process
- A grievance raised by a staff member or an issue that related to employment or recruitment
- A concern raised internally by a staff member (which is not about a service they received, such as whistleblowing)
- A request for information under the Data Protection or Freedom of Information (Scotland) Acts
- 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 the Association has already given its final decision
- An unsubstantiated allegation about the Association or its staff where such actions would be covered by the Unacceptable Behaviour protocol
- A concern about the actions or service of a different organisation where Rutherglen and Cambuslang Housing Association has no involvement in the issue (unless the other organisation is delivering services on behalf of the Association)

Where an issue raised cannot be dealt with under the Complaints Policy, the complainant will be directed to appropriate routes for seeking resolution.

6.0 SUBMITTING COMPLAINTS

Anyone that receives, requests or is affected by the services provided by the Association can submit a complaint and, for the purposes of this policy, will be referred to as a customer. This includes employees and Board of Management members who also receive a service from the Association as a customer.

Complaints can be submitted in writing, verbally by phone or in the office, by letter, email or via the Association's website. Complaints received via social media such as facebook will not normally be dealt with other than to signpost to the Association's complaints policy and procedures.

Where a customer makes an expression of dissatisfaction but does not state they wish to make a complaint or they expressly state they do not wish to formally complain, the Association will normally treat it as an anonymous complaint and still instigate the complaints policy. This is to ensure that the Association can identify trends or themes and can get a full picture of where services go wrong or are not meeting the standards expected.

7.0 INFORMATION REQUIRED

Complainants are required to provide;

- Name and full contact details
- The nature of the complaint
- Information about the complaint when it occurred, who was involved
- How the matter can be resolved and what outcome is being sought

When the complaint is submitted verbally, staff will seek to gather the information required to conduct an investigation.

8.0 TIME LIMITS FOR SUBMITTING A COMPLAINT

It is easier to investigate and resolve complaints made quickly however normally a complaint should be made within 6 months of;

- the event the complaint relates to or
- finding out there is a reason to complain

A request to escalate a Stage 1 complaint to Stage 2 should be made within 2 months of receiving the Stage 1 response.

These timescales will be applied with discretion taking into account;

- Any special circumstances for the delay in submission
- The seriousness of issue
- The availability of relevant records
- The availability of the staff involved
- How long ago the event occurred
- The likelihood that an investigation will lead to a practical outcome

9.0 COMPLAINTS SUBMITTED BY A THIRD PARTY

Complaints submitted by a third party on behalf of the customer will be accepted by the Association providing the customer;

- Confirms that they wish to make a complaint
- Provides written authorisation for the third party to act on their behalf
- Confirms that they understand that, by acting on their behalf, the third party may be privy to customer's personal information
- Accepts that, in certain circumstances, the investigation and response may be limited by considerations of confidentiality

10.0 ANONYMOUS COMPLAINTS

The Association values all complaints and will consider those submitted anonymously where there is sufficient information to pursue a meaningful investigation and/or where the complaint is of a serious nature.

The findings of the investigation and any learning outcomes will be recorded and reported on.

Where an anonymous complaint is not investigated it will be recorded in the complaints register as closed.

11.0 SERIOUS, HIGH RISK OR HIGH-PROFILE COMPLAINTS

The Association will seek to immediately identify complaints that it would define as serious or high risk or that may be high-profile. Such complaints will be those that may;

- Involve or lead to a death or terminal illness
- Involve serious service failure
- Generate significant and ongoing press interest
- Pose a serious risk to the Association's operations
- Present issues of a highly sensitive nature (e.g. involving homelessness, a vulnerable person, child protection etc)

Complaints of a serious, high risk or high-profile nature will be immediately classed as a Stage 2 complaint and will be managed by a Senior Manager.

12.0 COMPLAINTS ABOUT SENIOR STAFF OR Board of Management MEMBERS

A complaint about a senior member of staff or a Board of Management member will be investigated by an individual who has no involvement in the complaint. Depending

on the nature and seriousness of the complaint, this may require an external, independent investigation.

Where appropriate, complaints against a senior member of staff or a committee members will be submitted to the Scottish Housing Regulator as a notifiable event.

Serious complaints against the Director will be dealt with in accordance with the Association's policy and the guidance and regulatory requirements.

13.0 THE COMPLAINTS HANDLING PRINCIPLES

The Association's Complaints Policy predicated on providing a process that is;

- Quick, simple and streamlined
- User focused
- Clear and easily understood
- Accessible to everyone
- Thorough, proportionate and consistent
- Objective, impartial and fair
- Driven by a commitment to service and quality improvement

14.0 COMPLAINTS HANDLING PROCESS

The Association adheres to a 3 stage process for managing complaints;

Stage 1 – Frontline Response	Stage 2 – Investigation	Stage 3 – External Review
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<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in five working days or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>Customer told how to escalate their complaint to stage 2</p>	<p>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'</p> <p>Complaint acknowledged within three working days confirming points of the complaint or customer to clarify the points</p> <p>Complaint resolved or a definitive response provided within 20 working days following a thorough investigation of the points raised</p>	<p>Review by SPO or other independent party</p> <p>Where the customer is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>Some complaints may also have an alternative route for independent external review</p>
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15.0 STAGE 1 COMPLAINTS

15.1 Timeframe

The complaints handling process is designed to provide a local, early resolution. Where this is not possible or where further information on the matter is required, the Association will seek to provide a response to the complaint within 5 working days. In exceptional circumstances, a short extension may be necessary due to unforeseen circumstances (e.g. staff absence). Customers will be advised on the extension, the reasons for it and when they can expect a response.

In normal circumstances the customer should also be informed of the outcome of the repair/resolution so that they are aware if the matter is considered resolved or not.

The maximum extension for a Stage 1 complaint is 5 additional working days. If it is likely to take longer to reach a conclusion, the complaint will be escalated to a Stage 2 Complaint.

15.2 Closing the Complaint

Wherever possible, and where appropriate, every effort will be made to resolve a Stage 1 Complaint at the point it is made. This may be and/or immediate action to rectify the problem.

The complaint will be closed when both the Association and the customer agree either that no further action is required or what action will be taken. This can be done verbally by way of an apology and/or explanation or in writing.

Where this has not been possible the complaint will be closed by advising the customer in writing of;

- The outcome of the complaint (i.e. if it has been upheld, partially upheld or not upheld)
- The reasons for the decision
- Any agreed action to be taken to resolve the complaint
- How to escalate the complaint to a Stage 2 Complaint if they remain dissatisfied

16.0 STAGE 2 COMPLAINTS

16.1 Timeframe

At Stage 2 Complaints the Association will;

- Acknowledge receipt of the complaint within 3 working days
- Aim to provide written notification of the decision with 20 working days

However, it is acknowledged that it may not be possible to fully investigate every Stage 2 Complaint within the 20 day timeframe due to the complexity of the complaint and/or investigation, access or availability of documentation or witnesses, or, for example the use of third party resolution alternatives such as mediation.

The Association will advise the customer and any other party involved such as staff members involved, of any delays, the reasons for the delays and a realistic timescale for a conclusion to be reached.

16.2 Resolving the complaint

A complaint is resolved when both the Association and the customer agree what action, if any, will be taken to provide a full and final resolution for the customer without a decision being made whether the complaint was upheld or not.

A complaint may be resolved at any point during the complaints handling process, including during the investigation stage.

Although there is normally no need to continue to look into the complaint once it has been resolved, the Association may continue to consider the issues raised where it is felt it would be beneficial to the organisation e.g. where the complaint has highlighted a wider problem or there is the potential for improvements.

16.3 Investigations

Where required an investigation into the complaint will be instigated in order to;

- Clarify the nature of the complaint and the outcome the customer is looking for
- Collate any available supporting evidence, establish the facts and confirm what actually happened as far as possible
- Establish what should have happened in the circumstances with reference to any relative policies, procedures, legislation etc
- Identify what went wrong, if anything, and the Association's responsibility and/or liability if any

The scope and depth of the investigation should be proportionate and a balance made between the need for information against the resources required to obtain it, taking into account the seriousness of the issue.

16.4 Investigation Outcome

The aim of the investigation is to resolve the complaint where possible or to give the customer a full, objective and balanced response.

The customer will be advised of the outcome of their Stage 2 Complaint in writing and will;

- Advise if the complaint has been upheld, partially upheld or not upheld
- Address all the issues raised and demonstrate that each element of the complaint has been fully and fairly investigated
- Explain reasons for the decision relating to each element
- The actions the Association will take to address the issues raised or explain why no further action can or will be taken
- Advise the course of action available to the customer if they remain dissatisfied

17.1 Review by The Scottish Public Services Ombudsman (SPSO)

The SPSO is the final stage for complaints about public services in Scotland, including registered social landlords such as Rutherglen and Cambuslang Housing Association. It is an independent organisation and customers can refer their complaint if;

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

Requests can be made;

- online at www.spsso.org.uk/complain
- by calling them on Freephone 0800 377 7330 or 0131 225 5300
- in person at SPSO, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS
- or by post to SPSO Freepost, SPSO, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS

Please note - The SPSO will not consider complaints about the factoring services provided by the Association or complaints from sharing owners.

17.2 Review by The First-Tier Tribunal For Scotland

Factored owners and sharing owners that have remain dissatisfied with the handling of their complaint by the Association can ask that their complaint is considered by the First- Tier Tribunal for Scotland (Housing & Property Chamber).

The tribunal will only consider complaints where the Association has been notified in writing of the reasons the owner/sharing owner believes it has failed in its duties and/or failed to comply with the relevant code and been given a reasonable opportunity to resolve the matter.

18.0 REDRESS & COMPENSATION

The aim of redress is to set right what went wrong for an individual or group of individuals and, wherever practical, return them to the position they would have been in if the failure had not occurred.

Redress may include one, some or all of the following;

- An apology (verbal or written)
- An explanation (verbal or written)
- Practical action to address the issue and mitigate the detriment to the individual

- Reimbursement of demonstrable loss and/or costs incurred
- Other appropriate action proposed by the complainant

The type and level of redress should;

- Be demonstrably appropriate
- Be procedurally sound and hold up to scrutiny
- Be fair and reasonable
- Take into account the wishes and the needs of the complainant
- Provide, as far as possible, a comprehensive resolution of the issue
- Provided to others that have suffered as a result of the same failure
- Take into account the degree to which the complainant contributed to the failure or loss
- Acknowledge the response or lack of response and/or delays in response from the Association

Where there is a financial element to the redress to a tenant, factored owner or sharing owner that has an arrear in their account, consideration will be given to applying the payment as a credit to the individual's account rather than a direct payment.

19.0 REPORTING A SIGNIFICANT PERFORMANCE FAILURE

A significant performance failure is defined by the Scottish Housing Regulator (SHR) as something a landlord has done, or has failed to do, that puts the interests of its tenants at risk which it has failed to resolve.

These are issues that are systematic and likely to affect a number of tenants and therefore would not normally fall within the scope of this policy.

Where the Association does not resolve a significant performance failure within a reasonable timeframe, the failure can be reported directly to the SHR. Information on how to report a significant performance failure is available from the Association's office, on its website and on the SHR's website www.scottishhousingregulator.gov.uk

20.0 SUPPORTING COMPLAINANTS

The Association seeks to encourage customers that are dissatisfied with the service it provides to submit a complaint and therefore aims to remove any barriers to accessing the complaints handling procedures.

It therefore will make available;

- An easy-to-understand information leaflet in a language and format that suits the needs of the individual customer
- Translation and interpretation services where appropriate
- Contact details for independent support services such as Citizens Advice and Scottish Independent Advocacy Alliance
- Sympathetic and empathetic support from staff

21.0 RECORDING, MONITORING & REPORTING

All expressions of dissatisfaction will be viewed as a complaint and a record will be kept of;

- The complainants name and contact details
- The date complaint was received, the category of complaint, the specific service the complaint is about and the nature of the complaint
- The staff member responsible for handling the complaint
- The action taken, the outcome at Stage 1 – Frontline and the date the complaint was closed

If applicable

- The date the complaint was escalated to Stage 2,
- The action taken and outcome of the investigation
- The date the complaint was closed
- The outcome of any external review (e.g. by SPSO, First-Tier Tribunal)

For all complaint any learning outcome will be recorded.

An important element of the Association’s Complaints Handling Policy and procedures is the reporting of the analysis of trends and themes to allow the Senior management Team and the Management Committee to identify where services can/need to be improved. It is also important that the Association monitors its performance in managing complaints against its targets and deadlines.

The key performance indicators relating to the complaints handling process will be reported to the Board of Management including;

- Number of Stage one and Stage 2 complaints received within the reporting period and the number completed within the target timeframes
- The category of the complaints (housing management, maintenance etc)
- The nature of the complaint (repair, contractor, information given, delays in service etc)
- The outcomes – upheld, partially upheld, not upheld
- The average working days taken to close a complaint

○ Learning outcomes

Information on the Association's performance in handling complaints will be made publicly available via the Association's website and newsletters.

22.0 LEARNING FROM COMPLAINTS

The Association seeks to use complaints to support its commitment to improvement. Even when a complaint is not upheld, there is the potential to identify ways to avoid similar customer dissatisfaction in the future.

23.0 TRAINING

All staff will be trained on key elements of the complaints handling procedures including;

- The value of complaints to the organisation
- Understanding what a complaint is and when it is appropriate to implement the Complaints Handling Policy and procedures
- Taking a supportive and empathetic approach to handling complaints
- How to correctly record complaints
- Identifying learning outcomes and opportunities for improvement

24.0 EQUALITY OF ACCESS

The Association is committed to promoting equality of access to all of its services and activities, to ensuring no customer is discriminated or treated unfairly and to treating all people equally and in accordance with its Equality and Human Rights Policy.

25.0 CONFIDENTIALITY & DATA PROTECTION

Personal information received by the Association during the course of the complaints handling process will be treated in accordance with its obligations under the General Data Protection Regulations and its own Data Protection Policy.

Where personal information needs to be shared in order to fully investigate the complaint, the relevant parties will be informed beforehand and their express permission sought to share their data.

26.0 POLICY REVIEW

The Complaints Handling Policy will be reviewed in full by the Board of Management every 3 years. Elements may be reviewed within that period to reflect changes in relative legislation, regulatory requirements and/or good practice.