



WILLIAMSBURGH  
HOUSING ASSOCIATION

**Williamsburgh Housing  
Association Limited  
Complaints Handling Policy**

## Contents

<b>Foreword</b> .....	<b>3</b>
<b>Overview of the CHP</b> .....	<b>4</b>
<b>Roles and responsibilities</b> .....	<b>5</b>
<i>Recording complaints</i> .....	7
<i>Learning from complaints</i> .....	7
<i>Reporting of complaints</i> .....	8
<i>Publicising complaints information</i> .....	8
<b>Maintaining confidentiality and data protection</b> .....	<b>9</b>
<b>Who can make a complaint?</b> .....	<b>11</b>
<b>Time limit for making complaints</b> .....	<b>13</b>
<b>Particular circumstances</b> .....	<b>14</b>
<i>Complaints and service requests</i> .....	17
<i>Complaints and disciplinary or whistleblowing processes</i> .....	17
<i>Complaints and compensation claims</i> .....	18
<i>Complaints and legal action</i> .....	18
<b>Expected behaviours</b> .....	<b>19</b>
<b>Appendix 1 – Complaints at frontline response</b> .....	<b>20</b>
<b>Appendix 2 – What is not a complaint?</b> .....	<b>22</b>
<b>Appendix 3 - Timelines</b> .....	<b>24</b>

## Foreword

Our Complaints Handling Policy reflects Williamsburgh Housing Associations commitment to valuing complaints. 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 was first developed by the Scottish Public Services Ombudsman, working in partnership with an advisory panel of housing associations and a high level group of key stakeholders.

The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to this sector. As far as is possible we have produced a standard approach to handling complaints across Scotland's public services, which complies with the SPSO's guidance on a MCHP. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All staff across the Association must cover this policy as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this policy (including recording complaints).

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our Complaints Handling Procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' 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.

Handling complaints early creates better customer relations. Handling complaints close to the point of service delivery 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 handle swiftly can greatly add to our workload and are more costly to administer.

The Complaints Handling Procedure will help us do our job better, improve relationships with our customers and enhance public perception of the Association. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

## Overview of the CHP

1. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
2. We will try to resolve complaints to the satisfaction of the customer wherever this is possible. Where this isn't possible, we will give the customer a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
3. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

<p><b>Stage 1: Frontline response</b>          For issues that are straightforward and simple, requiring little or no investigation          'On-the-spot' apology, explanation, or other action to put the matter right.          Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances).          Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response.          Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)          We will tell the customer how to escalate their complaint to stage 2</p>	<p><b>Stage 2: Investigation</b>          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'.          Complaint acknowledged within <b>three working days</b>.          We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement).          Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised.</p>	<p><b>Independent external review (SPSO or other)</b>          Where the customer is not satisfied with the stage 2 response from the service provider.          The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider.          Some complaints may also have an alternative route for independent external review.</p>
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For detailed guidance on the process, see Complaints Procedures.

## Roles and responsibilities

4. All staff will be aware of:
  - the Complaints Handling Procedure (CHP)
  - how to handle and record complaints at the frontline response stage
  - who they can refer a complaint to, in case they are not able to handle the matter
  - the need to try and resolve complaints early and as close to the point of service delivery as possible; and
  - their clear authority to attempt to resolve any complaints they may be called upon to deal with.
5. Training on this policy and procedures will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.
6. Senior management will ensure that:
  - The Association's final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of the Association and that the complainant's concerns have been taken seriously
  - it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
  - it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
  - mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the Association; and
  - complaints information is used to improve services, and this is evident from regular publications.
7. Management Committee: As the governing body with responsibility for overseeing our work, our management committee provides leadership and strategic guidance. It also ensures compliance with our policies and procedures. In relation to complaints:
  - to approve the adoption of the CHP
  - to ensure that staff keep to this CHP and associated internal processes (through involvement with senior management or directly)
  - to ensure that information and learning from complaints are used to improve our understanding of, and to steer, our policies and practices.
8. Particularly important is the management committee's role in developing and fostering a culture that values complaints. The management committee must ensure that recording and reporting of complaints is thorough and effective, so that reports to committee reflect a true picture of all complaints.

9. A management committee that values complaints will:
- support all staff in handling complaints locally, quickly and effectively, to reduce the potential for a complaint to escalate
  - encourage frontline staff to be 'active listeners' and to understand and act on the information they receive
  - set out how complaints data will be reported and used to promote continual improvement
  - ensure that tenants and other customers are kept informed about how we have used feedback to improve services.
10. Chief Executive: The chief executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The chief executive may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the chief executive of the quality of complaints performance.
11. The chief executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:
- ensuring performance monitoring for complaints is a feature of the service/management agreements between [the organisation] and contractors
  - setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide the Association with an overview of how the contractor is meeting its objectives
12. Senior managers: On the chief executive's behalf, senior managers may be responsible for:
- managing complaints and the way we learn from them
  - overseeing the implementation of actions required as a result of a complaint
  - investigating complaints; and
  - deputising for the chief executive on occasion.
13. They may also be responsible for preparing and signing off decisions for customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, senior managers may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, senior managers should retain ownership and accountability for the management and reporting of complaints.

Complaints Investigator: The complaints investigator is responsible and accountable for the management of the investigation.

14. The Admin Officer: The admin officer is responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.

## **Recording, reporting, learning from and publicising complaints**

15. Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across the Association. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.
16. We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

### **Recording complaints**

17. It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:

- the customer's name and contact details
- the date the complaint was received
- the nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline response stage
- date the complaint was closed at the frontline response stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable); and
- the underlying cause of the complaint and any remedial action taken.
- the outcome of the SPSO's investigation (where applicable).

18. If the customer does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.

19. Individual complaint files will be stored in line with our document retention policy.

### **Learning from complaints**

20. We have clear systems in place to act on issues identified in complaints. As a minimum, we will:

- seek to identify the root cause of complaints
- take action to reduce the risk of recurrence; and
- systematically review complaints performance reports to improve service delivery.

21. Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.

22. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action and learn from the outcome

- the action needed to improve services must be authorised by an appropriate officer
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken

- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

23. Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

- Weekly reports issued to appropriate officers to identify trends

### **Reporting of complaints**

24. We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

25. We will report to our Management Committee on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes of complaints

### **Publicising complaints information**

26. We regularly publish information on complaints outcomes and actions taken to improve services.

27. This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

28. We will publish an annual complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and
- complaint trends and the actions that have been or will be taken to improve services as a result.

29. These reports will be easily accessible to members of the public and available in alternative formats as requested.



## **Maintaining confidentiality and data protection**

30. Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
31. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can.
32. We will bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information
33. Examples of situations where a response to a complaint may be limited by confidentiality, such as:
  - where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.
  - where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

## **What is a complaint?**

34. Williamsburgh Housing Association's definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by or on behalf of Williamsburgh Housing Association'.
35. For clarity, where an employee also receives a service from Williamsburgh Housing Association as a member of the public, they may complain about that service.
36. A complaint may relate to the following, but is not restricted to this list:
  - 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; 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).

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

38. A complaint is not:

- 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
- 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
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our [Unacceptable Actions Policy or equivalent]; 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).

39. Appendix 2 gives more examples of 'what is not a complaint' and how to direct customers appropriately. This includes an example of when an anti-social behaviour complaint may and may not be considered a complaint.

40. We will not treat these issues as complaints, and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

41. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and why.

## Who can make a complaint?

42. Anyone who receives, requests, or is affected by our services can make a complaint. This obviously includes our tenants. It also includes a member of the public who could have access to or be affected by our services, including our Neighbour Disputes and anti social-behaviour services. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.
43. We also accept complaints from the representative of a person who is dissatisfied with our service.

## Supporting the customer

44. 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.
45. We have legal duties to make our complaints service accessible under equalities and mental health legislation.

For example:

- the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
- the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

46. Examples of how we will meet our legal duties include:

- checking whether members of the public who contact us require additional support to access our services
- providing interpretation and/or translation services for British Sign Language users; and
- helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).

47. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
- helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen's Advice Scotland)

48. These examples are not exhaustive, and we will always take into account our commitment and responsibilities to equality and accessibility.

## **How complaints may be made**

49. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.

50. Where a complaint is made verbally, we will make a record of the key points of complaint raised. Where it is clear that a complex complaint will be immediately considered at stage 2 (investigation).

51. Complaint issues may also be raised on digital platforms (including social media).

52. Where a complaint issue is raised via a digital channel managed and controlled by Williamsburgh Housing Association (for example an official twitter address or facebook page), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.

53. Where a complaint issue is raised via a digital channel managed and controlled by Williamsburgh Housing Association (for example an official Twitter address or Facebook page):

- we will normally respond by explaining that we do not normally take complaints on social media and telling the person how they can complain;
- in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response (for example, an apology for a cancelled repair affecting multiple customers).

54. We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a youtube video or post on a private facebook group). In such cases we may respond, where we consider it appropriate, by telling the person how they can complain.

55. We must always be mindful of our data protection obligations when responding to issues online or in a public forum.

## **Time limit for making complaints**

56. The customer must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
57. Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:
  - within six months of when they first knew of the problem; or
  - within two months of receiving their stage 1 response (if this is later).
58. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.
59. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## Particular circumstances

### Complaints by (or about) a third party

60. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf. It is good practice to ensure the customer understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child does not have capacity to make decisions for themselves.
61. The provision of a signed mandate from the customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the customer to deal with a third party and will record this.
62. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

### Serious, high-risk or high-profile complaints

63. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2.
64. We define potential high-risk or high-profile complaints as those that may:
- involve a death or terminal illness
  - involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
  - generate significant and ongoing press interest
  - pose a serious risk to our operations
  - present issues of a highly sensitive nature, for example concerning:
    - immediate homelessness
    - a particularly vulnerable person; or
    - child protection.

### Anonymous complaints

65. We value all complaints, including anonymous complaints, 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. Any decision not to pursue an anonymous complaint must be authorised by a team leader, or other Manager if required.

66. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.
67. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

### **What if the customer does not want to complain?**

68. If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the CHP. This will ensure that the customer is updated on the action taken and gets a response to their complaint.
69. 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).
70. Please refer to the example in Appendix 1 for further guidance.

### **Complaints involving more than one area or organisation**

71. 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.
72. 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.
73. 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 Williamsburgh Housing Association through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection.
74. Such complaints may include:
- a complaint to us about rent arrears that is partly caused by problems with a claim for Housing Benefit or Universal Credit, or
  - a complaint to us about anti-social behaviour that relates to our service and a local authority service.

## **Complaints about contracted services**

75. 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 Williamsburgh Housing Association'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.

76. We will confirm that service users are clearly informed of the process and understand how to complain.

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

## **Significant performance failures**

78. The Scottish Housing Regulator (SHR) has a duty to 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 systemic problem that does, or could, affect all of a landlord's tenants. A significant performance failure happens when:

- a landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- a landlord is not achieving the regulatory standards on governance or financial management.

79. Significant performance failures are not dealt with through this procedure. Information about SHR can be found on their website: [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk).

## **Complaints about senior staff or committee members**

80. Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff or committee members, it is particularly important that the investigation is conducted by an individual who is independent of the situation.

81. The SHR specifies that a serious complaint against senior staff or the governing body of an RSL is a 'notifiable event', and as such the regulator must be informed immediately. It has also drawn up 'regulatory expectations' for the handling of serious complaints against the Chief Executive. These can be found on the SHR website.

82. We also have arrangements for handling minor complaints against the Chief Executive and for complaints against other senior staff and the governing body. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial.



## **Complaints and other processes**

83. Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

## **Complaints and service requests**

84. If a customer asks Williamsburgh Housing Association to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

85. Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

## **Complaints and disciplinary or whistleblowing processes**

86. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.

87. Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether Williamsburgh Housing Association failed to meet our service standards, and what we have done to improve things, in general terms.

88. Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

89. The SPSO's report [Making complaints work for everyone](#) has more information on supporting staff who are the subject of complaints.

## **Complaints and compensation claims**

90. Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

## **Complaints and legal action**

91. Where a customer says that legal action is being actively pursued, this is not a complaint.
92. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.
93. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

## **What to do if the CHP does not apply**

94. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this policy (for example, due to time limits), we will explain to the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another policy applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.
95. Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our [unacceptable actions policy (or equivalent)].

## Expected behaviours

96. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:
- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
  - working with us to agree the key points of complaint when an investigation is required; and
  - responding to reasonable requests for information.
97. We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy or equivalent.
98. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.
99. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us.

If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO.

## Appendix 1 – Complaints at frontline response

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

Complaint	Possible actions
The customer complains that her rent payment direct debit has been set up wrongly.	<ul style="list-style-type: none"> <li>• Apologise to the customer and update the direct debit details.</li> <li>• Record the complaint on the complaints database.</li> </ul>
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"> <li>• 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.</li> <li>• Explain the reasons for the failed appointment and apologise to the customer.</li> <li>• Record the complaint on the complaints database.</li> </ul>
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"> <li>• Ask the Maintenance department to examine the repair to assess whether or not it is acceptable.</li> <li>• If it is not acceptable, agree that the Maintenance department should do more work.</li> <li>• Explain and apologise to the customer.</li> <li>• Record the complaint on the complaints database.</li> <li>• Obtain a report from the service or contractor to confirm that the repair is now complete.</li> <li>• Feed back the lessons learned from the complaint into a service improvement plan.</li> </ul>
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"> <li>• Tell the customer that we value complaints because they help to improve services. Encourage her to submit the complaint.</li> <li>• 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.</li> </ul>

<b>Complaint</b>	<b>Possible actions</b>
Dissatisfaction with a planned maintenance programme	<ul style="list-style-type: none"><li data-bbox="810 241 1481 454">• 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.</li><li data-bbox="810 454 1481 517">• Record the complaint on the complaints database.</li></ul>

## Appendix 2 – What is not a complaint?

1. 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.
2. 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.
3. 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

4. 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.

5. Steer the customer towards the appeals process for allocation decisions.
6. 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.

7. 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.
8. 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.
9. Update the complaint as appropriate and consider whether to report the case to senior management/the management committee.
10. Customer B can also request a review of their circumstances or may appeal their points through the appeals process.

## **Example 2: Claims for compensation**

11. 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.
12. 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.

## **Example 3: Anti-social behaviour complaints**

13. 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 Neighbour disputes and 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.

14. 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.

15. 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 - Timelines

### General

1. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

### Timelines at frontline response (stage 1)

2. We will aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**, at the latest.
3. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

### Transferring cases from frontline response to investigation

4. If the customer wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

### Timelines at investigation (stage 2)

5. For complaints at the investigation stage, **day one** is:
  - the day the case is transferred from the frontline stage to the investigation stage
  - the day the customer asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
  - the date we receive the complaint, if it is handled immediately at stage 2.
6. We must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.
7. We should respond in full to the complaint by **day 20**, at the latest. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
8. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.



