



**Muirhouse  
Housing  
Association**

# Policy: Complaints

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<b>Scottish Social Housing Charter Outcomes and Standards:</b>	<p>Outcome 1: Equality</p> <p>Outcome 2: Communication</p> <p>Outcome 3: Participation</p> <p>Standard 13: Value for Money</p>
<b>Regulatory Standards of Governance and Financial Management:</b>	<p>Standard 2 – 2.1, 2.2, 2.3  <i>“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.”</i></p> <p>Standard 5 – 5.3  <i>“The RSL conducts its affairs with honesty and integrity</i></p>

## **Complaints handing and monitoring Policy.**

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## Foreword

Our Complaints Handling Procedure reflects Muirhouse Housing Association's commitment to valuing complaints. We seek 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 Muirhouse Housing Association must cover this procedure 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 procedure (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 Muirhouse Housing 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.

## Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:
  - Overview and structure (part 1) –
  - When to use the procedure ([part 2](#)) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
  - The complaints handling process ([part 3](#)) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
  - Governance of the procedure ([part 4](#)) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
  - The customer-facing CHP ([part 5](#)) – information for customers on how we handle complaints
2. When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO.

[www.spsso.org.uk](http://www.spsso.org.uk)

## Overview of the Complaints Handling Process

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
4. 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).
5. 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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6. For detailed guidance on the process, see [Part 3: The complaints handling process.](#)

## Expected behaviours.

7. *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.*
8. *We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy.*
9. 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.
10. 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.
11. 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 (see [Signposting to the SPSO](#)).
12. The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

### 13. Maintaining confidentiality and data protection

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.

14. 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. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.
15. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information. If staff need further advice on data processing matters, they should contact Muirhouse Housing Association's Data Processing Officer. The [Information Commissioner's Office](#) has detailed guidance on data sharing and has issued a data sharing code of practice.
16. *A response to a complaint may be limited by confidentiality, such as:*
17. *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.*
18. *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?

19. Muirhouse Housing Association definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about Muirhouse Housing Association's action or lack of action, or about the standard of service provided by or on behalf of Muirhouse Housing Association.'

20. For clarity, where an employee also receives a service from Muirhouse Housing Association as a member of the public, they may complain about that service.

Muirhouse Housing Association has our Customer Service Standards Policy which gives further information on our Customer Service Standards.

21. 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 (**except** where there are arrangements in place for the contractor to handle the complaint themselves: see **Complaints about contracted services**); 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).

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

23. A complaint **is not**:

- a routine first-time request for a service (see **Complaints and service requests**)
- a request for compensation only (see **Complaints and compensation claims**)
- issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
- 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
- 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: see **Complaints about contracted services**).

24. **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.

25. 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.

26. 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. See **What if the CHP does not apply**.

## Who can make a complaint?

27. 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 anti-social behaviour services. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.
28. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

## Supporting the customer

29. 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.
30. 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.*

Examples of how we will meet our legal duties are:

- *proactively 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 customers who do not speak English; and*
  - *helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).*
31. 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); and*

- *providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).*

32. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

## How complaints may be made

33. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.
34. 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), it may be helpful to complete a complaint form with the customer's input to ensure full details of the complaint are documented. However, there is no requirement for the person to complete a complaint form, and it is important that the completion of a complaint form does not present a barrier to people complaining.*
35. Complaint issues may also be raised on **digital platforms** (including **social media**).
36. *Where a complaint issue is raised via a digital channel managed and controlled by Muirhouse Housing Association (for example our 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).*
37. *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.*
38. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See 13. Maintaining Confidentiality and Data Protection.

## Time limit for making complaints

39. 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).
40. 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).
41. 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.
42. 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

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43. 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 is considered to have capacity to make decisions for themselves.
44. *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 would normally follow up in writing to confirm this.*
45. 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.
46. See also 13. Maintaining Confidentiality and Data Protection.

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

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47. 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 ([see Part 3: Stage 2: Investigation](#)).
48. 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

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49. 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 an appropriate manager.
50. 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.
51. 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?

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52. 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.
53. 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).
54. Please refer to the example in **Appendix 1** for further guidance.

## Complaints involving more than one area or organisation

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55. If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised.
56. 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.
57. 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 Muirhouse Housing Association through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See 13. Maintaining Confidentiality and Data Protection.

58. Such complaints may include:

- a complaint to us about rent arrears that is partly caused by problems with a claim for Housing Benefit to the local authority, or
- a complaint to us about anti-social behaviour that relates to our service and a local authority service.

## **Complaints about contracted services**

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59. 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 Muirhouse 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. At the end of the investigation stage of any such complaints the contractor must ensure that the customer is signposted to the SPSO.

60. We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

61. Muirhouse 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**

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62. 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.

63. 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 Board members**

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64. 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 board members, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have

strong governance arrangements in place that set out clear procedures for handling such complaints.

65. 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.
66. 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**

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67. 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**

68. If a customer asks Muirhouse 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.
69. 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**

70. 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.
71. 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 Muirhouse Housing failed to meet our Customer Service Standards and what we have done to improve things, in general terms.
72. 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).

73. 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**

74. 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**

75. Where a customer says that legal action is being actively pursued, this is not a complaint.

76. 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 Governance and Compliance Manager, 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.

77. 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

78. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (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 procedure 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.
79. 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.
80. The SPSO has issued a [template letter for explaining when the CHP does not apply](#).

## 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 their 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 service department to examine the repair to assess whether or not it is acceptable.</li> <li>• If it is not acceptable, agree that the service 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>

<b>Complaint</b>	<b>Possible actions</b>
<p>The customer expresses dissatisfaction in line with the definition of a complaint, but says they don't want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> <li>• Tell the customer that we value complaints because they help to improve services. Encourage them 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 they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.</li> </ul>
<p>Dissatisfaction with a planned maintenance programme</p>	<ul style="list-style-type: none"> <li>• 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>• 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.
13. You can still make 'time and trouble' payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.

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

14. 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 nearby). We initially handle such concerns through our 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.*

15. 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.*

16. 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.