

COMPLAINTS HANDLING POLICY

LS/April.2017/Ref:P9

(1) INTRODUCTION

Milnbank Housing Association's (MHA) Complaints Handling Policy reflects the commitment to valuing complaints. The policy seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure has been developed by the Scottish Public Services Ombudsman (SPSO), with significant input from housing complaints handling professionals. SPSP has tried to produce a standard approach to handling complaints across the housing sector, which complies with the SPSO's guidance on a model complaints handling procedure. This procedure aims to help MHA 'get it right first time' to enable a quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

Complaints give us valuable information that we can use to improve customer satisfaction. The MHA Complaints Handling Procedure will enable us to address customer's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of service users views and experiences, and can highlight problems that 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 services to our customers.

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

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

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

(2) WHAT IS A COMPLAINT?

MHA's definition of a complaint is:

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

A complaint may relate to:

- Failure to provide a service
- Inadequate standard of service
- Dissatisfaction with MHA policy
- Disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- Treatment by or attitude of a member of staff
- MHA's failure to follow the appropriate administrative process
- Delays in responding to enquiries and requests.

This list does not cover everything. For example, complaints may also be about:

-
- Unfairness, bias or prejudice in service delivery
 - Failure to follow procedures
 - Lack of provision, or the provision of misleading, unsuitable or incorrect advice or information
 - A repair that has not been carried out properly
 - Unacceptable behaviour by a member of staff, a committee member or a contractor.

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
- An appeal against a decision where there is an established appeal route; these should be heard through the appropriate appeal process
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our **final** decision.

(3) HANDLING ANONYMOUS COMPLAINTS

We value all complaints. This means we treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it. Any decision not to pursue an anonymous complaint must be authorised by the Directorate. If an anonymous complaint makes serious allegations, it will be referred to the Directorate immediately. If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

(4) WHAT IF THE CUSTOMER DOESN'T WANT TO COMPLAINT?

If a customer expresses dissatisfaction in line with our definition of a complaint but does not want to complain, we will consider all expressions of dissatisfaction, as customer complaints offer MHA the opportunity to improve services where things have gone wrong. Customers are encouraged to submit their complaint and allow MHA to deal with it through the Complaints Handling Policy. This will ensure that the customer is updated on the action taken and receives a response to their complaint in line with the policy.

In the circumstances where the customer insists they do not wish to complain, this will be recorded as an anonymous complaint. The customer's details will not record on the complaints database, and they will receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

(5) WHO CAN MAKE A COMPLAINT?

Anyone who receives, requests or is affected by our services can make a complaint. This obviously includes our tenants, owner occupiers and sharing owners. It also includes a member of the public who could have access to or be affected by any of our services. All of these people are MHA's customers.

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent. These complaints are treated in the same way as any other, regardless of who has

brought the complaint.

(6) COMPLAINTS INVOLVING MORE THAN ONE SERVICE OR ORGANISATION

a) If a complaint relates to the actions of two or more of our services, the customer who takes the lead in dealing with the complaint will get the one response covering all issues raised.

b) If a customer complains to MHA about the service of another agency or public service provider, but we have no involvement in the issue, the customer will be advised to contact that organisation directly.

c) If the complaint relates to one of MHA services and includes one or more of our contractors, we would normally deal with the complaint, however, depending on circumstances we may agree with the contractor that will take the lead. Where this happens we will work together to investigate all the matters simultaneously, in line with this Complaints Handling Policy, and explain that they will receive only one response covering all issues raised.

d) If a complaint relates to our service and the service of another agency or public service provider (E.g. a local authority or a government department, and we have a direct interest in the complaint the customer must handle the complaint about our service through the Complaints Handling Policy). If MHA need to make enquiries to an outside agency in relation to the complaint always take account of data protection legislation and our guidance on handling our customers' personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice. (E.g. A complaint to us about rent arrears that are partly caused by problems with a claim for Housing Benefit to the Department for Work and Pensions or a complaint to us about anti social behaviour that relates to our service and a local authority service).

e) Care complaints

Anyone receiving care services from MHA has the right to either complain directly to the Care Inspectorate or to us. Customers may also receive care or support from other agencies under a contract with the Association. They may complaint about these services either to us (just like complaints about any of our other services) or directly to the Care Inspectorate. The Care Inspectorate's contact details are: Care Inspectorate, Compass House, 11 Riverside Drive, Dundee, DD1 4NY. Further details can be found on their website at www.careinspectorate.com or enquiries@careinspectorate.com or telephone 0345-600-9527.

(7) SIGNIFICANT PERFORMANCE FAILURES

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:

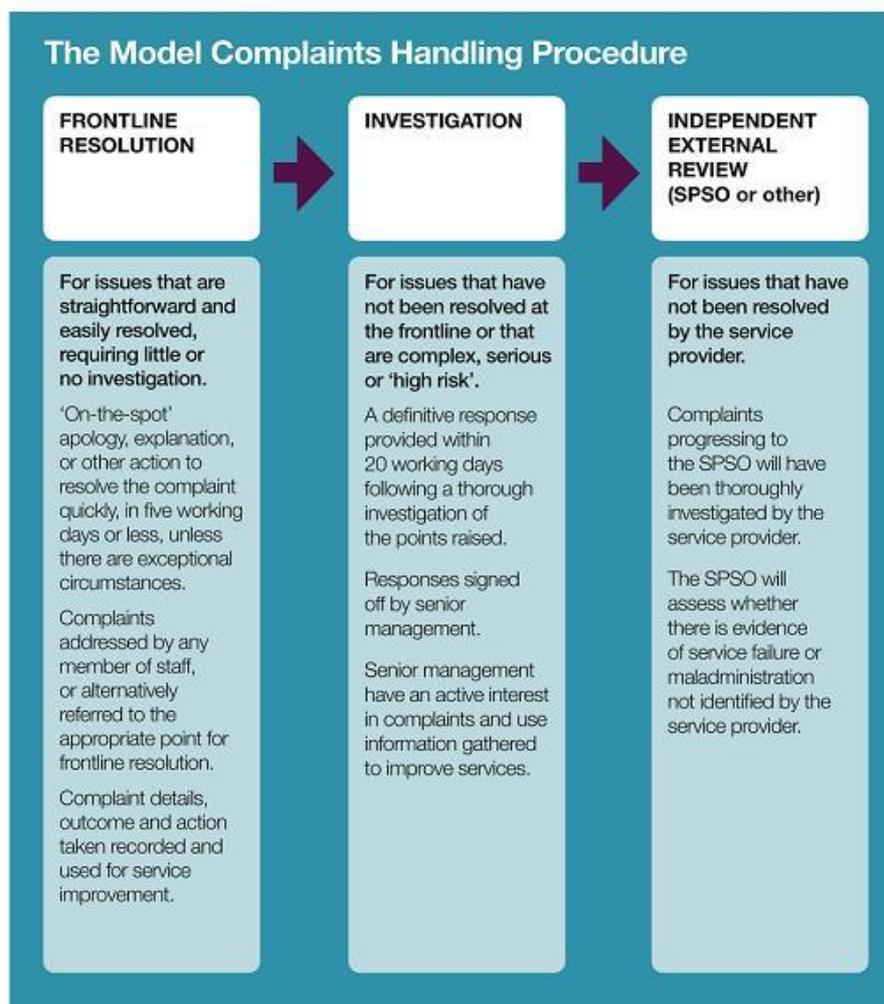
- A landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- A landlord is not achieving the regulatory standards on governance or financial management.

(8) THE COMPLAINTS HANDLING PROCESS

Our Complaints Handling Policy aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

Our complaints process provides two opportunities to resolve complaints internally:

-
1. **FRONTLINE RESOLUTION**, and
 2. **INVESTIGATION**.



STAGE ONE: FRONTLINE RESOLUTION

For clarity, the term 'frontline resolution' refers to the first stage of the complaints process which seeks to resolve complaints at the initial point of contact where possible. Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer, or asking an appropriate member of staff to deal directly with the complaint. (E.g. MHA did not attend to a repair as agreed or a rent payment direct debit has been set up wrongly)

In practice, frontline resolution means resolving the complaint at the first point of contact with the customer, either by the member of staff receiving the complaint or other identified staff.

In either case, the complaint may be settled by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. It is stressed that, as an organisation that values complaints, MHA may use the information given when we review service standards in the future.

A customer can make a complaint:

-
- In writing,
 - In person,
 - By telephone,
 - By email to l.sichi@milnbank.org.uk
 - Online to www.milnbank.com.
 - By having someone complain on their behalf.

A frontline resolution will always be considered regardless of how MHA receives the customer's complaint.

a) Timelines

Frontline resolution should be completed within **five working days**, although in practice MHA would often expect to resolve the complaint much sooner. MHA may need to get more information from other services to resolve the complaint at this stage. However, we will strive to respond to the customer within five working days, either resolving the matter or explaining that the complaint is to be investigated.

b) Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, MHA may agree an extension of no more than five working days with the customer. This will only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage. (E.g. this may be appropriate to include staff or contractors being temporarily unavailable). If, however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. MHA will advise the customer about the reasons for the delay, and when they can expect a response. All extension requests will be authorised by the Directorate

If the customer does not agree to an extension but it is unavoidable and reasonable, the Directorate should decide on the extension and advise the customer about the delay and explain the reason for the decision to grant the extension.

MHA will strive to ensure that the timeline at the frontline resolution stage will rarely be extended. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date MHA receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics are compiled by the Directorate and are reported to the Management Committee on a quarterly basis.

c) Closing the complaint at frontline resolution stage

MHA will ensure that our response to the complaint addresses all areas that we are responsible for and explain the reasons for our decision. A full and accurate record of the decision reached will be given to the customer. The complaint will then be recorded in the Complaints Register.

STAGE 2 - INVESTIGATION

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. A complaint will be escalated to the investigation stage when:

- Frontline resolution was tried but the customer remains dissatisfied and requests an investigation into the complaint.
- The customer refuses to take part in the frontline resolution process
- The issues raised are complex and will require detailed investigation
- The complaint relates to serious, high risk or high profile issues.

Particular care will be taken 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 the Directorate's direct input. The SPSO defines 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, (E.g. immediate homelessness, a particularly vulnerable person or child protection).

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents our final position.

What action will MHA take when a complaint for investigation is received

MHA will make it clear from the start of the investigation stage exactly what we are investigating, and to ensure that the customer understands the investigation's scope.

Confirmation of the complaint will be confirmed at the outset, to establish why the customer is dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the customer, MHA will consider:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

In the event that the customer expects more than MHA can provide, the customer will be advised of this as soon as possible.

Where possible MHA will also clarify what additional information is needed to investigate the complaint. The customer may need to provide more evidence to help the Association reach a decision.

Details of the complaint must be recorded on the system for recording complaints. Where appropriate, this will be done as a continuation of the frontline resolution action. The details must be updated when the investigation ends.

Timelines

The following deadlines apply to cases at the investigation stage:

- Complaints must be acknowledged within **3 working days**
- MHA will provide a full response to the complaint as soon as possible but not later than **20 working days** from the time the complaint was received.

Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and MHA will always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, the Directorate will set time limits on any extended investigation, as long as the customer agrees. The Association will keep the customer updated on the reason for the delay and give them a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, then the Directorate should consider and confirm the extension. The reasons for an extension might include the following:

-
- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but they are not available because of long-term sickness or leave
 - MHA cannot obtain further essential information within normal timescales
 - Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather
 - The customer has agreed to mediation as a potential route for resolution.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics are compiled by the Directorate and will go to the Management Committee on a quarterly basis.

Mediation

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach. Where appropriate, MHA may consider using services such as mediation or conciliation using suitably trained and qualified mentors to try to resolve the matter, and to reduce the risk of the complaint escalating further.

Mediation may help both parties to understand what has caused the complaint, and so is more likely to result in mutually satisfactory solutions. If MHA and the customer agree to mediation, revised timescales will need to be agreed.

Closing the complaint at the investigation stage

All complaints that reach Stage 2 Level will be investigated jointly by the Directorate and two Management Committee Members. Both parties will agree the final decision and MHA will let the customer know the outcome of the investigation, in writing or by their preferred method of contact. MHA response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. The decision, and details of how it was communicated to the customer, will be logged on the Complaints Register and signed off by both the Directorate and two Management Committee Members. MHA will also make clear to the customer: their right to ask the SPSO to consider the complaint, the time limit for doing so, and how to contact the SPSO.

Independent external review

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of MHA complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), as well as the way we have handled the complaint.

The SPSO is the final stage for complaints about public services in Scotland. This includes complaints about Scottish Housing Associations. If you remain dissatisfied with a housing association after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints where you have not gone all the way through the housing association's complaints handling procedure more than 12 months after you became aware of the matter you want to complain about, or that have been or are being considered in court. The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NS
Freephone: 0800 377 7330
Online contact www.spsso.org.uk/contact-us
Website: www.spsso.org.uk

Factoring complaints

The SPSO does not normally look at complaints about our factoring service. The Homeowners Housing Panel work to resolve complaints and disputes between home owners and property factors. If a factoring customer is still dissatisfied after our investigation stage, they can go to the Homeowners Housing Panel Europa Building, 450 Argyle Street, Glasgow, G2 8LH, telephone number 0141 242 0175, fax number 0141 242 0141, e-mail hohpadmin@scotland.gsi.gov.uk

(9) GOVERNANCE OF THE COMPLAINTS HANDLING PROCEDURE

a) Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the Directorate who report directly to the Management Committee.

MHA's final position on the complaint is signed off by the Directorate and we will confirm that this is our final response. This ensures that our senior managers own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

b) Management committee

As the governing body with responsibility for overseeing the Association's work, the Management Committee provides leadership and strategic guidance. It also has overall control of our affairs and ensures compliance with MHA policies and procedures.

In relation to complaints, the Management Committee is charged with approving the adoption of the Complaints Handling Policy, ensuring that staff keep to this policy and associated internal processes (through involvement with the Directorate) and ensuring that information and learning from complaints are used to improve our understanding of, and to steer, our policies and practices.

The Management Committee has an important role in developing and fostering a culture that values complaints. The management committee ensures that recording and reporting of complaints is thorough and effective, so that reports to committee reflect a true picture of all complaints.

The Management Committee also support all staff in resolving 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 and ensure that tenants and other customers are kept informed about how we have used feedback to improve services.

c) The Directorate

The Directorate, as the most senior managers in MHA, provides leadership and direction in ways that guide and enable MHA to perform effectively across all services. This includes ensuring that there is an effective Complaints Handling Policy with a robust investigation process that demonstrates how we learn from the complaints we receive. The Directorate will take a direct role in all or some complaints. Regular reports will assure the Directorate of the quality of complaints performance.

d) All MHA staff

A complaint may be made to any member of staff. All staff are aware of the Complaints Handling Policy and how to handle and record complaints at the frontline stage. They are also aware of

whom to refer a complaint to, in case they are unable to personally handle the matter. MHA encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

e) Complaints about senior staff or committee members

Complaints about the Directorate or committee members 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 the Directorate or committee members, it is particularly important that the investigation is conducted by an individual who is independent of the situation. 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 Directorate. This specifies that we must seek independent professional advice to support us in handling, and in some cases investigating, the complaint.

The SHR's expectations also specify that strong governance arrangements must be in place that set out clear procedures for handling such complaints, including the governing body's role in such cases. MHA processes specify the measures in place to ensure this is achieved, and the types of complaints we consider 'serious'.

Minor complaints against the Directorate and the Management Committee will be investigated by an independent body. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial.

The SHR's Regulatory Expectations on serious complaints against the Directorate or the Management Committee can be found on the SHR website.

(10) RECORDING, REPORTING, LEARNING AND PUBLICISING

Complaints provide valuable customer feedback. One of the aims of the Complaints Handling Policy is to identify opportunities to improve services across our business. We will record all complaints in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

(11) REPORTING COMPLAINTS

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform the Management Committee of where services need to improve. It will also help MHA report efficiently on the Annual Return on the Charter (the ARC).

MHA publish on a quarterly basis, in the Milnbank Messenger, company website and in the office reception area, the outcome of complaints and the actions we have taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will demonstrate to our customers that we value complaints. We will publicise complaints outcomes, trends and actions taken and use case studies and examples to demonstrate how complaints have helped improve services.

(12) LEARNING FROM COMPLAINTS

At the earliest opportunity after the closure of the complaint, the Directorate will ensure that the

service user and staff involved understand the findings of the investigation and any recommendations made.

The Management Committee will regularly review the information gathered from complaints and consider whether our services could be improved or internal policies and procedures updated.

As a minimum, MHA will:

- Use complaints data to identify the root cause of complaints.
- Take action to reduce the risk of recurrence.
- Record the details of corrective action in the complaints file.
- Systematically review complaints performance reports to improve service delivery.

Where MHA has identified the need for service improvement:

- The action needed to improve services should be authorised.
- A staff member (or team) must be designated as the 'owner' of the issue, with responsibility for ensuring the action is taken.
- A target date must be set for the action.
- The designated individual must follow up to ensure that the action happens within the agreed timescale.
- Where appropriate, performance in the service area must be monitored to ensure that the issue has been resolved.
- We must ensure that staff and management committee members all learn from complaints.

(13) PUBLICISING COMPLAINTS PERFORMANCE INFORMATION

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

(14) MAINTAINING CONFIDENTIALITY

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We will always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customers' information.

(15) MANAGING UNACCEPTABLE BEHAVIOUR

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, MHA will treat all complaints seriously and properly assess them. However, we also recognise that the action of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers.

(16) SUPPORTING THE CUSTOMER

All members of the community have the right to equal access to our Complaints Handling Policy. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to

ensure easy access to the Complaints Handling Policy.

MHA will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

(17) TIME LIMIT FOR MAKING COMPLAINTS

This Complaints Handling Policy sets a time limit of six months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

(18) COMPLAINTS HANDLING POLICY REVIEW

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