



Complaints Handling Procedure

November 2021

Section1 - Introduction and Overview

Our Complaints Handling Procedure reflects Cadder Housing Association's commitment to valuing complaints. It is based on the Model Complaints Handling Procedures provided by the Scottish Public Services Ombudsman and seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. It also sets out how we will 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.

All staff across the Association will be trained in this procedure, 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 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 Cadder Housing Association. It will help us think customer first, and enable 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, email or via social media.
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.

Stage 1: Frontline response	Stage 2: Investigation	Independent external review (SPSO or other)
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>‘On-the-spot’ apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in five working days or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the customer how to escalate their complaint to stage 2</p> 	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Dealt with by a member of Senior Management or a manager trained in investigation</p> <p>Complaint acknowledged within three working days</p> <p>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)</p> <p>Complaint resolved or a definitive response provided within 20 working days following a thorough investigation of the points raised</p> 	<p>Where the customer is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>Some complaints may also have an alternative route for independent external review</p>

4. For detailed guidance on the process, see Section 3 - The Complaints Handling Process (page 11).

Expected behaviours

5. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers making 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.
6. We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy.
7. 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.
8. 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.
9. 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 senior management approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO (the standard text to use for this is available [here](#)).

Maintaining confidentiality and data protection

10. 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.

11. 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.
12. 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.

Section 2 - When to use this Procedure

What is a complaint?

13. Cadder'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 us.'
14. For clarity, where an employee also receives a service from us as a member of the public, they may complain about that service.
15. A complaint may relate to the following, but is not restricted to this list:
 - failure or refusal to provide a service
 - inadequate 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 unsuitable or incorrect advice or information
 - a repair that has not been carried out properly or in an agreed timeframe
 - dissatisfaction with one of our policies or its impact on the individual
 - failure to properly apply law, procedure or guidance when delivering services
 - failure to follow the appropriate administrative process
 - conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
 - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).
16. **Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.
17. 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
- 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).

18. **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.
19. 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.
20. 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?

21. Anyone who receives, requests, or is affected by our services can make a complaint. This obviously includes our tenants and factored owners. 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.
22. We also accept complaints from the representative of a person who is dissatisfied with our service.

Supporting the customer

23. 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.

24. 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 understand their rights, make informed decisions and have a voice.
25. Examples of how we will meet our legal duties are:
- enabling our customers to complain in person, over the phone, in writing or online
 - proactively checking whether members of the public who contact us require additional support to access our services
 - providing interpretation and/or translation services; and
 - helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has details of advocacy organisations in Scotland).
26. 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).
27. 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

28. Complaints may be made verbally or in writing, including face-to-face, by phone, letter, email or via social media.
29. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised.
30. Where a complaint is made in a public forum (for example on Facebook) we must always be mindful of our data protection obligations when responding to issues.

Time limit for making complaints

31. 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).
32. 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).
33. 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.
34. 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).

Complaints by (or about) a third party

35. 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. It may also include local councillors, MPs or MSPs. 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.
36. 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.
37. 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

38. 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.

39. 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

40. 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 senior manager.
41. 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.
42. 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?

43. 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.
44. 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).
45. Please refer to the example in **Appendix 1** for further guidance.

Complaints involving more than one area or organisation

46. 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.
47. 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.
48. 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 Cadder Housing Association through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection.
49. 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

50. 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 Cadder Housing Association's expected standard. We will therefore manage any complaints about our contractors internally. We will discuss all such complaints during our regular contract management meetings.

Significant performance failures

51. 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.
52. 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.
53. Significant performance failures are not dealt with through this procedure. Information about SHR can be found on their website: www.scottishhousingregulator.gov.uk.

Complaints about senior staff or Board members

54. 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.
55. 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.
56. 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 service requests

57. If a customer asks Cadder 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.
58. 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

59. 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.
60. 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 Cadder Housing Association failed to meet our expected standards and what we have done to improve things, in general terms.
61. 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 the 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).

Complaints and compensation claims

62. 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

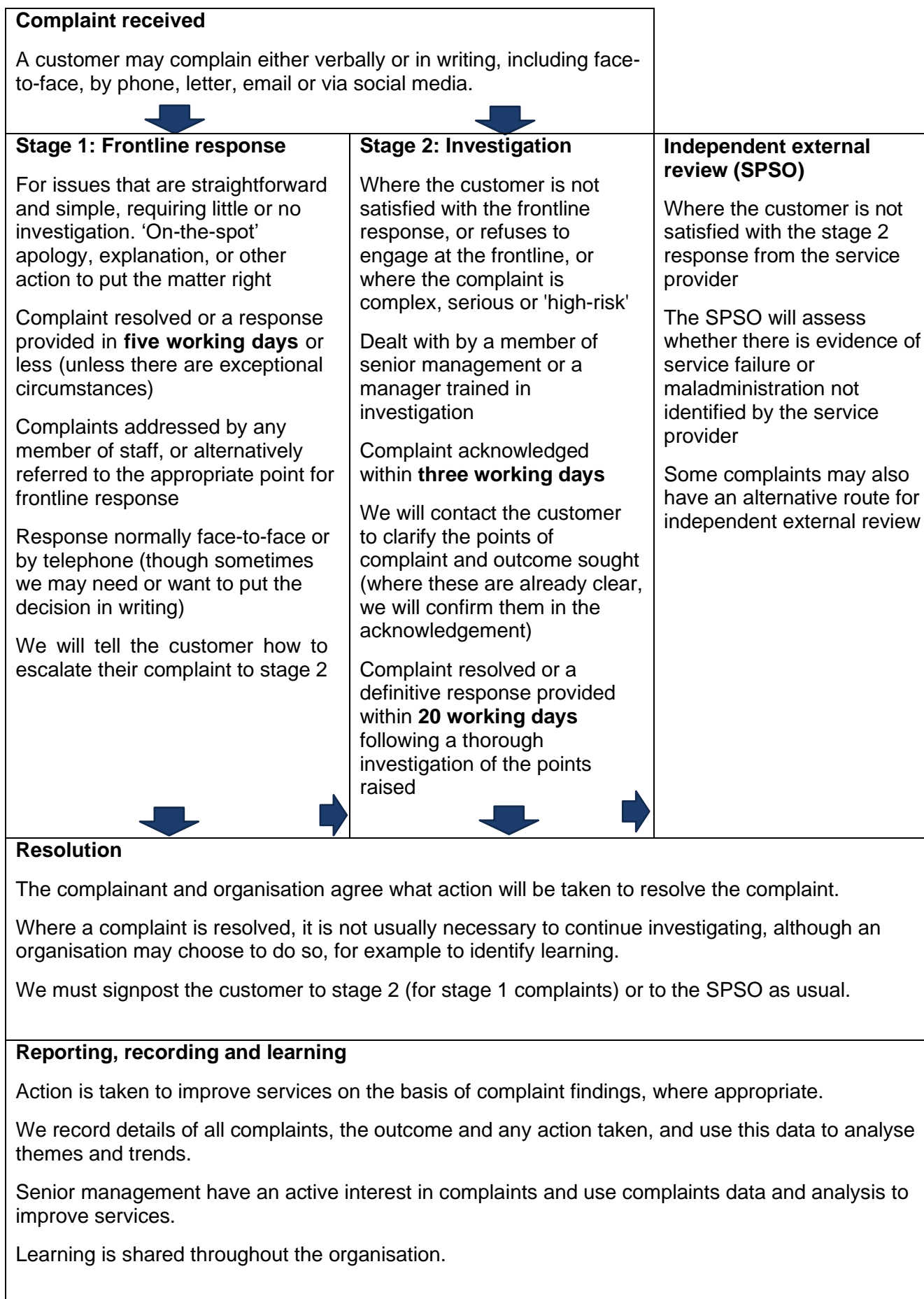
63. Where a customer says that legal action is being actively pursued, this is not a complaint.
64. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and 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.
65. 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

66. If the issue does not meet the definition of a complaint, or if it is not appropriate to handle it under this procedure, 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.
67. 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.

Section 3 - The Complaints Handling Process (CHP)

68. Our CHP aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the customer's satisfaction. Where this is not possible, we will give the customer a clear and reasoned response to their complaint.



Resolving the complaint

69. A complaint is **resolved** when both Cadder Housing Association and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.
70. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
71. A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints.
72. It may be helpful to use alternative complaint resolution approaches such as mediation when trying to resolve a complaint (see page 19).
73. Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.
74. In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the customer to stage 2 (for stage 1 complaints) or to independent external review as usual.
75. If the customer and Cadder Housing Association are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

What to do when you receive a complaint

76. Members of staff receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly at stage 1 or determine whether the complaint is more suitable for stage 2:

What exactly is the customer's complaint (or complaints)?

77. It is important to be clear exactly what the customer is complaining about. We may need to ask the customer for more information to get a full understanding.
78. We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.

79. If the matter is not suitable for handling as a complaint, we will explain this to the customer and signpost them to the SPSO (see page 4 for detailed guidance on what is and what is not a complaint).
80. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2.
81. The staff member receiving the complaint should record it on the complaints module and assign it to themselves or another member of staff in the relevant team (see below). If assigning to someone else, that person must be notified by email of the complaint reference and due date.
82. If more than one team is involved a single lead person for the complaint must be identified and the customer informed. This lead person should coordinate a single response, with input from others as required.

What does the customer want to achieve by complaining?

83. At the outset, we will clarify the outcome the customer wants. Of course the customer may not be clear about this, and we may need to enquire further to find out what they expect, and whether they can be satisfied.

Can I achieve this, or explain why not?

84. If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explaining why they cannot achieve it, they should do so.
85. The customer may expect more than we can provide. If so, we will tell them as soon as possible.
86. Complaints that can be resolved or responded to quickly should be managed at stage 1.

If I cannot respond, who can help?

87. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.
88. If it is not a simple and straightforward complaint that can realistically be closed within five working days, it should be handled immediately at stage 2. If the customer refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2.

Stage 1: Frontline response

- 89. Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
- 90. Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
- 91. We may respond to the complaint 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. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow the [SPSO guidance on apology](#).
- 92. **Appendix 1** gives examples of the types of complaint we may consider at this stage, with suggestions on how to handle them.
- 93. Complaints that are not suitable for frontline response should be identified early, and handled immediately at stage 2: investigation.

Notifying staff members involved

- 94. If the complaint is about another staff member, it should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

Timelines

- 95. Frontline responses must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is the date of receipt of the complaint, or the next working day if the complaint is received on a weekend or public holiday, or is received after 3.00pm.

Extension to the timeline

- 96. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with a senior manager, and can only be set on the complaints module by the Business Improvement Manager or Housing Manager. We will tell the customer about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).

97. If a complaint has not been closed within ten working days, it should be escalated to stage 2 for a final response.
98. **Appendix 3** provides further information on timelines.

Closing the complaint at the frontline response stage

99. If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to). We must:
- tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
 - explain the reasons for our decision (or the agreed action taken to resolve the complaint; and
 - explain that the customer can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the customer has completed stage 2).
100. We will keep a full and accurate record of the decision given to the customer. If we are not able to contact the customer by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.
101. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response that relates to them, (unless there are compelling reasons not to).
102. The complaint should then be closed and the complaints module updated accordingly.
103. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified and record this on the complaints module.

Stage 2: Investigation

104. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:
- the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later
 - the complaint is not simple and straightforward (for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
 - the complaint relates to serious, high-risk or high-profile issues (see page 7).

105. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position.
106. All Stage 2 investigations will be investigated and responded to by a member of senior management or a manager trained in investigation. Wherever possible, this will be someone not directly involved in the complaint (for example, a line manager or a manager from a different area).
107. Details of the complaint must be recorded on the complaints module. Where appropriate, this will be done as a continuation of the frontline response. If the investigation follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information and as a first step should read through this and speak to the officer who gave the frontline response.
108. The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation (such as mediation) may be helpful (see page 19).

Acknowledging the complaint

109. Complaints must be acknowledged within three working days of receipt at stage 2 in a format which is accessible to the customer, taking into account their preferred method of contact.
110. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree.
111. Where the points of complaint and expected outcomes are not clear, we must tell the customer we will contact them to discuss this.

Agreeing the points of complaint and outcome sought

112. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.
113. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint as above.
114. Where the points of complaint and outcome sought are not clear, we must contact the customer to confirm these. We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer.

115. In all cases, we must have a clear shared understanding of:

- **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the points of complaint with the customer. In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our Unacceptable Actions Policy, bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

- **Is there anything we can't consider under the CHP?**

We must explain if there are any points that are not suitable for handling under the CHP (see page 11).

- **What outcome does the customer want to achieve by complaining?**

Asking what outcome the customer is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

- **Are the customer's expectations realistic and achievable?**

It may be that the customer expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

Notifying staff members involved

116. If the complaint is about the actions of a particular staff member/s, we will notify the staff member/s involved (including where the staff member is not named, but can be identified from the complaint). We will:

- share the complaint information with the staff member/s (unless there are compelling reasons not to)
- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
- signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).

117. If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met.

Investigating the complaint

118. It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:
- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
 - what should have happened? (this should include any relevant policies or procedures that apply); and
 - is there a difference between what happened and what should have happened, and is Cadder Housing Association responsible?
119. In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).
120. If we need to share information within or outwith the organisation, we will be mindful of our obligations under data protection legislation.
121. There is guidance on conducting investigations [here](#), as well as a range of [templates](#).

Alternative complaint resolution approaches

122. Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.
123. Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the customer's desired outcome.
124. If Cadder Housing Association and the customer (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

Meeting with the customer during the investigation

125. To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

126. As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

Timelines

127. The following deadlines are appropriate to cases at the investigation stage:
- complaints must be acknowledged within **three working days**
 - a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.
128. 'Day one' is the date of receipt of the complaint or the day the customer asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage. 'Day one' is the next working day if the complaint is received on a weekend or public holiday, or is received after 3.00pm.

Extension to the timeline

129. Not all investigations will be able to meet this deadline. For example, a very small number of complaints may be so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the customer.
130. Any extension must be agreed with a senior manager, and can only be set on the complaints module by the Business Improvement Manager or Housing Manager. We will keep the customer and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the customer and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.
131. 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 the person is not available because of long-term sickness or leave
 - we cannot obtain further essential information within normal timescales; or
 - the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

132. **Appendix 3** provides further information on timelines.

Closing the complaint at the investigation stage

133. The response to the complaint should be in writing (or the customer's preferred method of contact) and should reflect the best and final response on behalf of Cadder Housing Association. It is recommended that another manager proof reads the response before sending.
134. We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:
- be clear and easy to understand, written in a way that is person-centred and non-confrontational
 - avoid, or at least explain clearly, any technical terms
 - address all the issues raised and demonstrate that each element has been fully and fairly investigated
 - include an apology where things have gone wrong (this is different to an expression of empathy: see the [SPSO's guidance on apology](#))
 - highlight any area of disagreement and explain why no further action can be taken
 - name a staff member who is available to clarify any aspect of the letter; and
 - indicate that if they are not satisfied with the outcome of the local process, they may seek independent external review from the SPSO.
135. Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed (see page 13).
136. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
137. We will record the decision, details of how it was communicated to the customer, and any learning that has been identified on the complaints module.
138. There is guidance on conducting investigations [here](#), as well as a range of [templates](#).

Independent external review

139. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. We must 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.
140. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are outwith the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.

Factoring complaints, shared owners and private residential tenancies

141. The SPSO does not normally look at complaints about our factoring service, complaints from shared owners or complaints about private residential tenancies. These complaints can be considered by the First Tier Tribunal for Scotland (Housing and Property Chamber). We must still signpost these complaints to the SPSO, as there may be some aspects of the complaint that the SPSO can consider (for example, if the customer is dissatisfied with how we have handled their complaint, or if a private owner is impacted by the actions of the organisation). However, we should also notify the customer of their right to approach the Tribunal if they are dissatisfied with our response to these kinds of complaint.

Signposting to the SPSO

142. The SPSO recommends that we use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on our final response to the investigation complaint.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Cadder Housing Association. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied with our response you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

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

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at www.spsso.org.uk/complain or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO
Bridgeside House
99 McDonald Road

Edinburgh
EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

Post-closure contact

143. If a customer contacts us for clarification when they have received our final response, we may have further discussion with the customer to clarify our response and answer their questions. However, if the customer is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

Recording complaints

144. 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/initiated
 - the nature of the complaint
 - the service area the complaint refers to
 - the staff member responsible for handling the complaint
 - the date the complaint was closed
 - the underlying cause of the complaint and any remedial action taken
 - outcome/decision (i.e. resolved, upheld or not upheld; and
 - any learning that will help prevent similar complaints in future.
145. 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.
146. All letters, emails and other documents relating to the complaint should also be uploaded to the complaints module as attachments.

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">• Apologise to the customer and update the direct debit details.• Record the complaint on the complaints module.
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">• Speak to the contractor to explain the complaint and to agree how to address the issue, for example by arranging a new time and date to do the repair.• Explain the reasons for the failed appointment and apologise to the customer.• Record the complaint on the complaints module.
The customer complains that the quality of a repair carried out is not satisfactory.	<ul style="list-style-type: none">• Ask the property team to inspect the repair to assess whether or not it is acceptable. If it is not acceptable, agree that the contractor should do more work.• Explain and apologise to the customer.• Record the complaint on the complaints module.• Obtain a report from the contractor to confirm that the repair is now complete.• Record lessons learned on the complaints module.
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">• Tell the customer that we value complaints because they help to improve services. Encourage her to submit the complaint.• To improve our service and learn from mistakes, we need to record, evaluate and act upon feedback like this. Therefore, if the customer still 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.
Dissatisfaction with a planned maintenance programme	<ul style="list-style-type: none">• Pass details of the complaint to the investment team.• Tell the customer about the timescales for planning such work, and that we will take their views into account for future work.• Record the complaint on the complaints module.

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.

- Steer the customer towards the appeals process for allocation decisions.
- 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.

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

Example 2: Claims for compensation

5. 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.
6. If you receive a compensation claim, you should explain to the customer the process for claiming compensation in line with our Complaints Policy.

Example 3: Anti-social behaviour complaints

7. 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 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.

- 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.

- 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.
2. 'Day one' is the next working day if the complaint is received on a weekend or public holiday, or is received after 3.00pm.

Timelines at frontline response (stage 1)

3. 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.

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.

Appendix 4 – The complaint handling process (flowchart for staff)

<p>A customer may complain verbally or in writing, including face-to-face, by phone, letter, email or via social media.</p> <p>Your first consideration is whether the complaint should be dealt with at stage 1 (frontline response) or stage 2 (investigation).</p>	
<p>Stage 1: Frontline response</p> <p><i>(Any member of staff)</i></p> <p>Always try to respond quickly, wherever we can</p>	<p>Stage 2: Investigation</p> <p><i>(Member of senior management or a manager trained in investigation)</i></p> <p>Investigate where:</p> <ul style="list-style-type: none"> • The customer is dissatisfied with the frontline response or refuses to engage with attempts to handle the complaint at stage 1 • It is clear that the complaint requires investigation from the outset
Record the complaint and notify any staff complained about	<p>Record the complaint and notify any staff complained about</p> <p>Acknowledge the complaint within three working days</p>
	<p>Where relevant read through the case notes from the frontline complaint, and speak to the officer who gave the frontline response</p> <p>Contact the complainant to agree:</p> <ul style="list-style-type: none"> • Points of complaint • Outcome sought • Manage expectations (where required) <p><i>(these can be confirmed in the acknowledgement where the complaint is straightforward)</i></p>
<p>Respond to the complaint within five working days</p> <p>You must always tell the customer how to escalate to stage 2</p>	<p>Respond to the complaint as soon as possible, but within 20 working days</p> <p>Communicate the decision, normally in writing</p> <p>Signpost the customer to SPSO and advise of time limits</p>
<p>Is the customer satisfied?</p> <p><i>No - go to stage 2 ➡</i></p> <p><i>Yes - record outcome and learning, and close complaint.</i></p>	<p>Record outcome and learning, and close complaint</p>
<p>Follow up on agreed actions flowing from the complaint</p> <p>Record and share any learning points</p>	