

Loreburn Group

Complaint Management Policy



Creating Great Places to Live

Policy	Complaint Management Policy									
Version Reference	2									
Approved by	MC			LET		X			MT	
Date of Approval	May 2020									
Review Period	Every 3 Years or as legislation or substantive changes occur									
Review Due	May 2023									
Policy Champion	Head of Housing									
Who this policy affects	Staff	x	Customers	x	Contractors	x	Members of the Public	x		
Where this policy affects	General needs	x	Later Living	x	Supported	x	Offices/staff base	x		

1. Purpose of this Policy

- 1.1 To detail Loreburn's approach to Complaint Management and demonstrate our commitment to valuing complaints as a critical means of assessing our services. Our aim is 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.
- 1.2 To empower staff to positively embrace complaints and use the learning opportunities as a means of continuous business improvement to ensure we deliver the best possible outcomes for our customers. This Policy is supported by the [Complaints Management Procedural Guide](#).

2. Legislative Background and Guidance

In preparing this policy we have taken account of:

- Public Services Reform (Scotland) Act 2010 This Act places a statutory duty on social landlords to comply with the SPSO Model Complaint Handling Procedure published for the housing sector.
- The Property Factors (Scotland) Act 2011 This Act places a duty on property factors to comply with the Code of Conduct Complaints Handling Procedures introduced by the SPSO.
- the General Data Protection Regulation (EU) 2016/679 ("the GDPR"); places a legal requirement on the Association to ensure we process data correctly; the Association must collect, handle and store personal information in accordance with the relevant legislation.
- Scottish Public Services Ombudsman (SPSO) Model Complaint Handling Procedure for Registered Social Landlords and the Property Factors Code of Conduct procedures.
- SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority (CSA) at the SPSO. The CSA website is: www.valuingcomplaints.org.uk/

Associated Policies

- Information Sharing Policy
- Data Protection Policy
- Unacceptable Actions Policy
- Accident & Incident policy
- Employee Code of Conduct

3. Our approach – the aims of this policy

- 3.1 The overarching aim of this Policy is to allow absolute visibility of occasions when our services do not meet the expectations of our customers.
- 3.2 We know that complaints and comments are a source of rich customer feedback and an opportunity to identify how to improve performance. They are a clear indication of when a service fails to satisfy our customers and we will measure the outcomes to check that it is resulting in business change and improvement.
- 3.3 By recording, monitoring, and responding to all incidents of dissatisfaction and customer feedback we can ensure that we continually seek to improve service delivery and offer an excellent customer experience.

3.4 We will achieve this by:

- Prioritising an immediate resolution – we will endeavor to resolve complaints at the first point of contact wherever possible and seek assurance that the customer is satisfied with the outcome.
- Where we cannot resolve the complaint immediately, we will advise the customer how and when we will manage their complaint and respond to them.
- Ensuring we are Customer Focussed – we will adopt a positive complaints culture where we welcome the opportunity to turn negative experiences into positive outcomes for all customers. We will do this by identifying learning outcomes which will provide valuable information to help shape service improvements, prevent recurrence and improve customer satisfaction.
- Ensuring this policy and associated guidance is well publicised, easy to understand in a variety of formats and available to all customers.
- We will manage our complaints management process in a way that offers positive outcomes for our customers and we will demonstrate we have listened, understood, and considered all the facts. We will be fair and sensitive will respond timeously.
- We will ensure that our staff have access to the appropriate tools and training to be empowered to take ownership of complaints and tailor to this customer’s individual needs.

3.5 Handling complaints effectively is not just about processes and time limits. It is also about the culture within our organisation and the behaviour and attitudes we display.

3.6 This document is designed to understand what a service complaint is and dealing with it as easily and effectively as possible and to identify service improvements for our customers. It also enables staff to deal with issues at first point of contact.

4. Guiding Principles

Principles	Explanation
<u>Number One consideration</u> - If it would not be good enough for me or my family, it is not good enough for our customers.	Be reasonable and sensible. If you were making the complaint, how would you want to be treated? How would you want things resolving?
We will identify when a service failure has taken place.	This means that we do not expect people to specifically say “I wish to complain” and will never ask people to put things in writing to us. It also means that the distinction between a first-time resolution, a those that require a more detailed investigation is immaterial. The customer does not care how we categorise things: they want their problem sorting out.

People tell the truth.	From analysing many complaints, people tell the truth, and we should embrace all opportunities to improve our service.
We will take swift action to resolve the complaint.	To speed things up we will ring or visit people to obtain any additional information needed to investigate.
People are individuals.	We will never rely on standard letters. We will never address a letter by surname. All contact will be individual and will meet the requirements of the customer i.e. if they want contact in email – no problem, over the phone – that is fine, in writing – we’ll do that, by text – that’s fine too. The important thing is to sort it out. If a customer has support needs, then refer to the “What If?” guide.
Process is important BUT ensuring that we understand the issue and sort it out is more important.	We will strive to resolve every complaint as soon as we are able to. The important thing is that we keep people updated on progress and be honest with them. In every case we will aim to finalise all actions within a maximum of 20 working days .
We will be honest.	If we identify something has gone wrong, we will admit this. We will apologise for this and explain why it happened. We will not “fudge” the issue or be overly concerned about “setting precedent”. We will use clear language in all our contacts. We will apologise and offer compensation when appropriate.
We will learn.	We will review the complaints we have dealt with and learn from them. We will report complaints fully to LET and Management Committee on quarterly basis
We will monitor.	Of course, we need systems, however, we do not need them to shape what we do. The system is there to record what we do and when we do it and what the outcome was.
Find out “How was it for you”.	We will ask for feedback on how we dealt with people’s complaints and use this information to shape our learning.

5. How we can receive Complaints, Comments and Compliments

5.1 We want to make it as easy as possible for customers to comment or make a complaint about our services and we will accept them in any of the following ways:

- In person
- In writing
- By telephone

- By email on customerservice@loreburn.org.uk
 - Via our website www.loreburn.org.uk
 - Through another person, perhaps an advocate, social worker, solicitor, etc.
 - Through comments made on surveys
 - Through comments on social media such as Facebook, Twitter etc.
- 5.2 We also need to be aware of customers communication needs and Paragraph 4 below states our policy and options available for supporting customers to access our services.
- 5.3 We will deal with anonymous comments and complaints in the same way. The fact that someone does not want to leave their name should not influence the action we take. We record the issue, sort it out and record what we have done.

6. Policy Specific Information/Arrangements

6.1 What is a complaint?

Loreburn's definition of a complaint is: ***'An expression of dissatisfaction by one or more members of the public about Loreburn's action or lack of action, or about the standard of service provided by or on behalf of Loreburn.'***

6.2 A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction Loreburn 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
- Loreburn's failure to follow the appropriate administrative process
- delays in responding to enquiries and requests.
- 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.

6.3 A complaint is **not**:

- a routine first-time request about a service
- a report of a repair
- 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.

The above issues should not be treated as complaints, and customers should instead be directed to the appropriate procedure.

7. Complaints/Comments and Compliments

7.1 Comments and remarks that identify a service failure must be responded to, resolved, and recorded so that we can use this feedback to improve our services. Examples of potential immediate resolution are:

- 'That contractor fixed the boiler, but he made a right mess when he was doing it'.
- 'I wanted that leaflet in large print, but the woman I spoke to said it wasn't available. Can anyone else help?'
- 'The gardener only stayed for five minutes when he came, is that what I'm paying all that money for?'
- 'I wanted to email you, but your email address wasn't included in your letter'.
- 'Our windows haven't seen a lick of paint for a while'.

7.2 These "comments" are complaints and should be captured and recorded to be used to improve our services as immediate resolutions.

7.3 When dealing with a customer who makes a comment or complaint about a service failure, firstly apologise, and then see if it is something that can be dealt with straight away. If it can be sorted, sort it out and at the end ask if the customer is satisfied with the outcome or would they like to progress the issue further. If they are satisfied, treat the immediate resolution as completed and record on QL under case management.

7.4 If the customer remains dissatisfied and would like the matter to be taken further, then progress to stage two of the complaint's procedure. Always record complaints details and pass it to the relevant person and record in line with our procedure. **The person who accepted the complaint has responsibility for ensuring it is passed onto the appropriate person and acted on.**

7.5 Compliments are also important to us as they show where we are getting things right and recognise the hard work of people working to provide excellent services. It can make all the difference to know that we are doing well. These should also be recorded on QL as a contact. Compliments will be analysed and fed back to managers to update their teams to implement any service improvements.

8. Who can make a complaint?

8.1 Anyone who receives, requests or is affected by our services can make a complaint. It also includes a member of the public who could have access to or be affected by our services, including our anti-social behaviour/ neighbour nuisance services.

8.2 Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties if 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.

9. What if the Customer does not want to complain?

- 9.1 If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, it should be noted Loreburn H A consider all expressions of dissatisfaction, as customer complaints as they offer us an opportunity to improve services where things have gone wrong.
- 9.2 If, however, the customer insists they do not wish to complain, we will record the issue as an anonymous complaint. This will ensure that the customer's details are not recorded on the complaints database, and that they 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.

10. Handling Anonymous Complaints

- 10.1 Loreburn HA values all complaints. This means that all complaints including anonymous complaints are treated seriously and will take action to consider them further, wherever this is appropriate.
- 10.2 Generally, Loreburn 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.
- 10.3 If an anonymous complaint makes serious allegations, it will be referred to a Manager or Director immediately. Any decision not to pursue an anonymous complaint will be authorised by a Director or Manager.

11. Complaints involving more than one service or organisation

- 11.1 If a complaint relates to the actions of two or more of our services, we will advise customers who will take the lead in dealing with the complaint and explain that they will receive one response covering all issues raised.
- 11.2 If a customer complains about the service of another agency or public service provider, and Loreburn HA is not involved in the issue we will advise the customer to contact that organisation directly.
- 11.3 If the complaint relates to a Loreburn H A service and includes one or more contractors, we will usually deal with the complaint, however, depending on circumstances it may be the contractor who will take the lead. Where this happens Loreburn will work with the contractor to investigate all the matters simultaneously. We will inform the customer who will take the lead in dealing with the complaint and explain that they will receive only one response covering all issues raised.
- 11.4 If it is necessary to make enquiries to an outside agency in relation to the complaint GDPR Legislation and internal guidance on handling customers' personal information will always be considered. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice

12. How we will respond.

- 12.1 Our aim is to provide a quick, simple, and streamlined process for resolving complaints early and locally by capable, well-trained staff.

12.2 Our complaints process provides three opportunities to resolve complaints internally:

Stage 1

- **Immediate resolution** – on the spot apology, resolution, explanation, or other action to resolve quickly.
- **Frontline resolution** – passing onto a colleague, requiring further action, resolved within **3 working days**. This will be managed by QL CRM workflow to track ownership, progress, and resolution.

Stage 2

- **Investigation** – unresolved complaints at earlier opportunity, or complex, serious, or high risk, resolved within **20 working days**.

12.3 For clarity, the terms 'immediate resolution or frontline resolution' refers to our response to the complaint. It does not reflect any job description within Loreburn but means seeking to resolve complaints at the initial point of contact where possible.

Stage 1 Immediate resolution

We will aim for Immediate resolution 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.

12.4 **Stage 1 Frontline resolution**

Frontline resolution means resolving the complaint without lengthy investigation and as quickly as possible but certainly within **3 working days**. This may mean asking colleagues for information to facilitate this or by passing ownership of the complaint to a colleague for resolution, managed by QL CRM workflow.

12.5 We will advise customers that as an organisation that values complaints, we may use the information given to review service standards. The information will be shared via the quarterly complaints review at LET and Management Committee.

12.6 A customer can make a complaint in writing, in person, by telephone, by email or online using our website or social media pages, or by having someone complain on their behalf. Loreburn H A will always consider frontline resolution, regardless of how we have received the customer's complaint.

12.7 In exceptional circumstances, where there are clear and justifiable reasons for doing so, we may agree an extension of no more than an additional five working days with the customer. **This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.** Customers should always be kept informed of the reasons for the delay, and when they can expect your response. If the customer does not agree to an extension but it is unavoidable and reasonable, a senior manager will be consulted upon the extension. The customer will be kept informed about delays and reasons explained for the decision to grant the extension.

- 12.8 We will notify the customer with the outcome of the complaint either by email, telephone or letter and the reasons for any decisions made.

Stage 2 Investigation

- 12.9 Not all complaints are suitable for first time or front-line resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage are typically complex or require a detailed examination before a position can be stated. Those complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.
- 12.10 An investigation aims to establish all the facts relevant to the points made in the complaint and will give the customer a full, objective, and proportionate response that represents our final position.
- 12.11 We will acknowledge receipt of the complaint for investigation within **3 working days** and provide a full response to the customer within **20 working days** of the complaint having been identified as a Stage 2 investigation.
- 12.12 Not all investigations will meet those deadlines, 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 we will always try to deliver a final response to a complaint within **20 working days**.
- 12.13 If there are clear and justifiable reasons for extending the timescale, a senior manager will be consulted on any extended investigation, in agreement with the customer. The customer must be kept updated with reasons for the delay and notified of the revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, then the CEO will consider the position.

13. Final Response Letters

- 13.1 Once an investigation is complete at any stage the final response letter should be written in clear, plain language. Final letters ought to include:
- An apology or, if an apology would not be appropriate, an expression of regret that a complaint was necessary to raise an issue, whether the complaint was justified or not.
 - A summary of the complaint.
 - A summary of the outcome of our investigation.
 - Any offer made to settle the complaint and how long that offer will remain open if appropriate.
 - Proposed method of any compensation payment and who the payment will be made to.
 - Include an acceptance slip for the tenant to return for any offers or compensation.
 - If they remain dissatisfied with the outcome details of how to proceed to the next stage.

14. Right of Appeal

- 14.1 Should a customer be dissatisfied with the outcome of their complaint we will advise them of their right to appeal. Appeals should be directed to the Chief Executive Officer and can be done so via telephone, email or by letter. The CEO will gather all relevant information available and the impact on the customer whilst considering the outcome offered to the customer. A decision on this appeal will be made in writing within 10 working days of receipt.

15. Independent external review

- 15.1 Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
- 15.2 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaint's procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), as well as the way we have handled the complaint.
- 15.3 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish Housing Associations. If a customer remains dissatisfied with our response after the complaints process, customer can ask the SPSO to look at the complaint. Further information can be found on their website: www.spsso.org.uk

12 Supported Housing and Care related complaints

- 12.1 In addition to the general complaints' guidance, anyone receiving care or housing support services from Loreburn H A has the right to either complain directly to the Care Inspectorate or to us.
- 12.2 Customers who receive care of support from other agencies under a contract linked to or with Loreburn HA may complain about these services either to LHA or directly to the Care Inspectorate. The Care Inspectorate's contact details can be found on their website. www.careinspectorate.com

13 Shared and Factored homeowners

- 13.1 The [First-tier Tribunal for Scotland \(Housing and Property Chamber\)](#) can consider complaints from owners to whom we provide a factoring service if there has been a breach of the code of conduct, or if we have failed to carry out our duties. Loreburn should be given a reasonable opportunity to resolve a complaint before the Tribunal can accept an application for consideration. This means that customers should notify us of the complaint prior to contacting the Tribunal.

14 Significant performance failures

- 14.1 The Scottish Housing Regulator (SHR) has a duty to consider issues raised with them relating to '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:

- consistently and repeatedly fails to achieve outcomes in the Scottish Social Housing Charter or outcomes agreed locally with tenants; or
- has not reported its performance annually to its tenants or the annual reported performance does not reflect actual performance; or
- has materially failed to meet our Regulatory Standards; and
- takes action(s), or failure to take action, puts tenants' interests at risk and this significantly affects a number of the landlord's tenants.

14.2 If a customer feels there is a Significant Performance Failure, customers are required to firstly raise the issue directly with Loreburn. Should we not respond within 20 working days to the satisfaction of the customer, then the customer has the right to report the matter to the Scottish Housing Regulator. Contact details can be found on their website:
www.scottishhousingregulator.gov.uk

15 Complaints

- 15.1 Loreburn has a commitment to valuing complaints and ensures the organisation benefits from feedback to identify areas for change or improvement.
- 15.2 Loreburn has a Complaints Policy which ensures there are robust and effective procedures in place for complaints to be properly managed and acted upon.
- 15.3 Anyone dissatisfied with the outcome of their complaint having exhausted Loreburn's complaints procedure has the right to refer the matter to the Scottish Public Services Ombudsman.

16. Monitoring and Learning

- 16.1 We use all complaint feedback to review how effectively we are handling complaints to ensure that we are providing the best service that we can to our customers.
- 16.2 Complaints are monitored by managers on a **weekly basis** and are used to identify trends, issues and to drive quick change to improve the services we deliver.
- 16.3 The information is also collated and presented to LET and Management Committee on a **quarterly basis with a full summary on an annual basis**.
- 16.4 Our Tenants Scrutiny Panel receive complaints reports twice a year / **every six months**.

17. Feedback and Satisfaction

- 17.1 We will seek feedback from complainants at the end of the complaints process. The **Customer Experience Team** will lead this process by contacting the customer by telephone to ensure that the complaint has been resolved to the customer's satisfaction.
- 17.2 This will take place within **10 working days** of the complaint's closure. The results will be used as examples of you said/we did in our annual report to tenants and to improve services.

19 Equality, Diversity & Inclusion

- 19.1 Loreburn aims to ensure that equality, fairness, dignity, and respect are central to the way we work and how we treat our customers. We support diversity and

uphold equal opportunities in all areas of our work as an employer and service provider.

- 19.2 Loreburn will not discriminate against customers, staff, visitors, suppliers or others based on their age, sex, sexual orientation, race, disability, religion or belief, marital status, pregnancy and maternity or gender reassignment (collectively referred to as 'protected characteristics' in the Equality Act 2010).

20 Responsibilities Chart

The below chart illustrates the responsibilities of all staff pertaining to this policy:

Responsibilities	Management Committee	CEO /LET	Head of I&I	Head of Housing	Management Team	Asst Manager	All Staff
To set the policy and direction with regards to complaint management	✓						
Ensure all staff have a robust understanding of complaints and the associated risks					✓		
Take the lead on complaint monitoring, make decision on reporting and update Committee quarterly				✓			
Policy Champion				✓			
Ensure effective and clear communication with key stakeholders including customers				✓			
Working with Head of P&C ensure staff have appropriate training				✓			
Managing " immediate resolution complaints"							✓
Managing "Stage 1" complaints							✓
Managing "Stage 2" complaints		✓			✓		
Ensure all complaints incidence and outcomes are presented to Customer Champions and that performance information and results and information are published				✓			
Identifying learning and business improvements			✓	✓	✓	✓	✓
Develop action plans for business improvement			✓	✓	✓	✓	
Approve action plan for business improvement		✓					
Participate in meetings and provide evidence for investigation as required						✓	

Ensure complaints feedback is used to improve the service		✓					
Ensure policy is reviewed annually or as necessary				✓			
Ensure E&D guidance is adhered to				✓			

21 Policy Review

- 21.1 The Policy Champion is the Head of Housing.
- 21.2 The Policy Champion is responsible for completing the Health and Safety Assessment and Equality, Diversity, and Inclusion Assessment Checklist
- 21.3 This policy will be reviewed by the Policy Champion every 3 years or sooner as required due to legislative or regulatory change.

Policy Assessment Checklist

Health & Safety Assessment

Does this policy have the potential to affect:

Lone Working	No
Safety and/or wellbeing of colleagues	No
Safety and/or wellbeing of customers	Yes
Have the above items been considered in the preparation of this policy?	Yes

Comments:

This Policy ensures that the safety and wellbeing of our customers is paramount and where this is found to be breached the Policy ensures a response to that is to the satisfaction of our customer thus protecting their wellbeing.

Equality, Diversity & Inclusion Assessment

Does this policy have the potential to affect?

Staff's rights to equal opportunities	No
Tenants' / Customer's rights to equal opportunities	No
Tenants' / Customer's ability to access to homes and/or services	Yes
Have the above items been considered in the preparation of this policy?	Yes

Comments:

This Policy promotes the rights of our customer to complain about our properties or services should the need arise. The Policy further ensures that our response is appropriate to remedy the complaint and allow continued access to excellent customer service.

Agile Working Assessment

Agile working requirements have been considered and addressed in the preparation of this policy: Yes