



Complaints Policy

V.5 March 2021

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| Policy Number | C.25 | | | |
| Document Owner | Corporate | | | |
| Review Frequency | 3 yearly | | | |
| Reviewed by | | | | |
| First Approved | New SPSO CHP introduced July 2012 | | | |
| Last Reviewed | January 2021 | | | |
| Next Review Due | January 2024 | | | |
| Version Number | 5 | | | |
| Consultation Required | Yes | x | No | |
| Equalities Impact Assessment | Yes | | No | |
| Added to Website | Yes | x | No | |

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| SSHC Reference | Outcome 1: Equality Outcome 2: Communication. Standard 13: Value for Money |
| SHR Reference | Standard 2-2.1, 2.2 <i>"The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities."</i> |

Related Documents

- Complaint handling procedure
- Unacceptable Actions and behaviours Policy
- Compensation and Redress Policy (in development)

C.25

Translation Statement

We can give you this document in another way .Please tell us what you need.
Contact us if you need help

Compliance

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

Equality & Diversity

Fyne Homes is committed to providing services which embrace diversity and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

Openness & Confidentiality

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

Data Protection

Fyne Homes recognises the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle and use about them, whether on computer or in paper format. We will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.

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1. Introduction

- 1.1 Fyne Homes Ltd is committed to providing a high-quality service to customers. We recognise that from time to time we will not always get it right and face service failures.
- 1.2 We value complaints and use information from them to help us improve our services.
- 1.3 If something goes wrong or you are dissatisfied with our services, please tell us. This policy describes our complaints procedure and how to make a complaint. It also tells you about our service standards and what you can expect from us.

2. Links to Vision and Strategic Priorities

- 2.1 This policy aims to fulfil the needs of the Association's Strategic Priorities, in particular Meeting Needs and Aspirations of our Customers - Ensure tenant satisfaction and effective complaint handling

3. Legal Framework

- 3.1 We recognise our duty to comply with the Scottish Public Services Ombudsman (SPSO) model complaint handling procedures as outlined in the SPSO Act 2002.
- 3.2 This policy and associated procedures also complies with the Scottish Social Housing Charter outcomes and the Scottish Housing Regulator's Regulatory requirements

4. Complaints Handling Process

4.1 *What is a complaint?*

4.1.1 We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

4.2 *What can I complain about?*

4.2.1 You can complain about things like:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- delays in responding to enquiries or requests
- unfairness, bias or prejudice in service delivery
- lack of provision, or the provision of misleading, unsuitable or incorrect advice or information

- a repair that has not been carried out properly or in an agreed timeframe
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); 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).

4.2.2 Your complaint may involve more than one of our services or be about someone working on our behalf.

4.3. What can't I complain about?

4.3.1. There are some things we can't deal with through our complaints procedure. These include:

- 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 (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
- 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 Behaviours Policy.
- 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).

4.3.2 If other procedures or rights of appeal can help you resolve your concerns we will give information and advice to help you.

4.4. Who can complain?

4.4.1 Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser).

4.4.2 If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint** below.

4.4.3 We value all complaints, including those made anonymously. Staff must therefore consider anonymous complaints if there is sufficient information to allow them to make further enquiries. If the complaint does not provide enough information staff may decide not to pursue it.

4.5. How do I complain?

4.5.1 You can complain in person at any of our offices by phone, in writing, email, online or by using our complaints form which is available to download from the Complaints section of our website www.fynehomes.co.uk.

4.5.2 It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve the issue.

4.5.3 When complaining, tell us:

- your full name and contact details
- as much as you can about the complaint
- what has gone wrong
- what outcome you are seeking

4.6. Contact details

4.6.1 You can contact a member of staff in the appropriate area office or the head office in Rothesay by phone on 0345 6077117 or by email to postmaster @fynehomes.co.uk.

Fyne Homes Ltd
81-89 Victoria Street
Rothesay
Bute
PA20 0AP
F: 01700 505267

Fyne Homes Ltd
42 Ralston Road
Campbeltown
Argyll
PA 28 6LE
F: 01586 552680

Fyne Homes Ltd
78B John Street

Fyne Homes Ltd
Smiddy House, Smithy Lane

4.7. How long do I have to make a complaint?

4.7.1 Normally, you must make your complaint within six months of:

- the event you want to complain about, or
- finding out that you have a reason to complain

4.7.2 In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

4.8 What happens when I have complained?

4.8.1 We will always tell you who is dealing with your complaint. Our complaints procedure has two stages:

5. Complaint Stages

5.1 Our complaints procedure has two stages/

5.2 Stage 1 – frontline resolution

5.2.1 We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong or immediate action to resolve the problem.

5.2.2 We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances.

5.2.3 If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to Stage 2. You must normally ask us to consider your complaint at Stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your stage 1 response (if this is later).

5.2.4 In exceptional circumstances, we may be able to accept a Stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

5.3 Stage two – investigation

5.3.1 Stage 2 deals with two types of complaint: where the customer remains dissatisfied after Stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not

wish your complaint to be handled at Stage 1, you can ask us to handle it at Stage 2 instead.

5.3.2 When using Stage 2:

- we will acknowledge receipt of your complaint within three working days
- we will confirm our understanding of the complaint we will investigate and what outcome you are looking for
- we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

5.3.3 If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

6. What if I'm still dissatisfied?

6.1 After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

6.2 There are some complaints about housing that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

The SPSO is an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

- you have gone all the way through the our 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 our final response to your complaint. You can do this online at www.spsso.org.uk/complain/form or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on **Getting help to make your complaint** below.

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

7. Complaints about factoring

7.1 The SPSO does not normally look at complaints about our factoring service, complaints from shared owners or complaints about private residential tenancies.

7.2 The First Tier Tribunal for Scotland (Housing and Property Chamber) will try to resolve complaints and disputes between home owners and property factors. So if you remain dissatisfied after our investigation you will be able to take your complaint to them

7.3 For more details contact:

Housing and Property Chamber
First-tier Tribunal for Scotland
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

Tel: 0141 302 5900

Email: HPCadmin@scotcourtribunals.gov.uk

Web: www.housingandpropertychamber.scot

7.4 However, the SPSO can consider a complaint if you are unhappy with how we have handled your complaint or have been impacted by our actions.

8. Reporting a Significant Performance Failure to the Scottish Housing Regulator

- 8.1 The Scottish Housing Regulator (SHR) can consider issues raised with them about 'significant performance failures'.
- 8.2 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. If you are affected by a problem like this, you should first report it to us. If you have told us about it but we have not resolved it, you can report it directly to the SHR.
- 8.3 A complaint between an individual tenant and a landlord is not a significant performance failure. Significant performance failures are not, therefore, dealt with through this complaints handling procedure. You can ask us for more information about significant performance failures. The SHR also has more information on their Factsheet for Tenants. Or you can phone them on 0141 271 3810.

9. Getting help to make your complaint

- 9.1 We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.
- 9.2 You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410

Website: www.siaa.org.uk

- 9.3 You can find out about advisers in your areas through Citizens Advice Scotland:

Citizens Advice Scotland

Website: www.cas.org.uk or check your phone book for your local bureau.

- 9.4 We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services.
- 9.5 If you have trouble putting your complaint in writing, or want this information in another language or format, please tell us in person, contact us on 0345 607 7117 or email us at postmaster@fynehomes.co.uk
- 9.6 Please contact us by the following means:

Telephone: 0345 607 7117

Email : Postmaster@fynehomes.co.uk (please put “Complaint” in the subject line

In Writing; to any of our offices as detailed in Section 7

Website: www.fynehomes.org.uk using the contact form contained within the complaints section

10. Monitoring, reporting and learning from complaints

10.1 Complaints give us valuable information we can use to improve customer satisfaction.

10.2 Our complaints handling procedure enables us to address a customer’s dissatisfaction and will help to prevent the same problems that led to the complaint from happening again.

10.3 For our staff, complaints provide a first-hand account of the service user’s views and experience and can highlight problems we may otherwise miss

10.4 . Handled well, complaints can give our customers a form of redress when things go wrong and can also help us continuously improve our services.

10.5 The detail of complaints are analysed for trend information to ensure we identify any service failures and take appropriate action as soon as possible

10.6 . We report on complaints performance as follows:

- Committee Meetings – Quarterly performance and analysis
- Publish on our websites statistical data and analysis of complaints
- Publish in our newsletters and on our website what actions we are taking as a direct result of our complaints

10.7 In addition, we also report our performance in handling complaints to the Scottish Housing Regulator through the Annual Return on the Charter (ARC). This includes performance information showing the volume of complaints and key performance details, for example the time taken to resolve complaints at each stage in the procedure. This information is publically available via the SHR’s website <https://www.housingregulator.gov.scot/>

11. Redress

11.1 We acknowledge the role of complaints in providing customers with a form of redress, where we fail to meet their expectations. We note the SPSO guidance on redress, which advises service providers to, where possible, seek to re-instate an individual to the position they were in prior to the event which is the subject of the complaint.

11.2 This can include compensating for direct financial loss. In such cases we shall make an informed judgement of the level of financial hardship resulting from the event and experienced by the complainant in making and pursuing their complaint. Where a customer appears to have unrealistic expectations or submits a claim that we consider unreasonable, we may ask them to provide some form of substantiating evidence.

11.3 We note that redress can similarly involve providing an explanation and genuine apology through personal contact; and that often a person making a complaint seeks this rather than a financial payment.

11.4 Further information can be found in our Compensation and Redress Policy.

12. Reviewing Process

12.1 This policy will be reviewed in line with the respective current Fyne Homes’ policies, and/or where a change in legislation arises.

12.2 If there is a procedural delay in the policy revision then the relative legislation in force at the time will prevail.

| Version number | Revision Date | Part of doc revised | Reason for revision | Approved by |
|-----------------------|----------------------|----------------------------|---------------------------------|--------------------|
| 5 | | Whole document | Revised guidance issued by SPSO | Mgt Comm |
| | | | | |
| | | | | |

Quick guide to our complaints procedure

Complaints procedure

You can make your complaint in person, by phone, by email or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.

If our complaint is about factoring, you can complain
To the First Tier Tribunal for Scotland



Stage 1: Frontline response

We will always try to resolve your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.



Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **three working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.



Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

There are some complaints about housing that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

Complaints Details (Continued)

| | |
|--|--|
| FOR OFFICE USE ONLY | |
| Received by | |
| Designation | |
| Date | |
| Passed to (if applicable) | |
| Department | |
| Date | |
| Recorded on IBS | |
| Summary of what we did (for publishing) | |

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Incorporating: William Woodhouse Strain Housing Association and Bute Housing Association V.5 01.21