

# **Dumfries and Galloway Housing Partnership Ltd Complaints Policy**

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## Background

- 1.1. The Public Services Reform (Scotland) Act 2010 gave the SPSO the authority to lead the development of model Complaints Handling Procedures (CHP) across the public sector.
- 1.2. The RSL model of the CHP was developed in consultation with the housing sector, guided by a steering group that DGHP were part of.
- 1.3. The purpose of the RSL model CHP is to provide a standardised approach to dealing with customer complaints across the housing sector. The aim is to implement a consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages us as an organisation to make best use of lessons learned from complaints.

## Aims

- 1.4. Dumfries and Galloway Housing Partnership (DGHP) aims to provide you with the best possible service, but there may be occasions when you are not happy about the service provided, if this is the case, it is important that you tell us. We recognise that from time to time we will not always get it right and face service failures and we value feedback from customers.
- 1.5. We recognise the role that effective handling of complaints has in improving the quality of services we deliver to our customers and in adopting a culture of continuous service improvement throughout the organisation.

## Definition of a Complaint?

- 1.6. The definition provided by the SPSO and adopted by DGHP is: “Any expression of dissatisfaction by one or more members of the public about Dumfries and Galloway Housing Partnership’s action or lack of action, or about the standard of service provided by or on behalf of Dumfries and Galloway Housing Partnership.

## What can you complain about?

- 1.7. You can complaint about:
  - Delays in responding to your enquiries and requests
  - Failure to provide a service
  - Our standard of service
  - Dissatisfaction with our policy

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Implemented: October 2012

Desktop Review: June 2019

Review: March 2020

Owner: Complaints and Policy Manager

- Treatment by or attitude of a member of staff
- Our failure to follow proper procedure.

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

## What can't I complain about?

- 1.8. There are some things that we can't deal with through our complaints procedure. These include:
- A routine first time request for a service, for example reporting a problem that needs to be repaired or initial action on anti-social behaviour.
  - Requests for compensation
  - Our policies and procedures that have a separate right of appeal, for example, if you are dissatisfied with the level of priority you have been given when applying for a house, you may have the right to appeal against the decision.
  - Issues that are in court or have already been heard by a court or a tribunal.
  - An attempt to report a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision following a stage 2 investigation.

## How do I complain?

- 1.9. You can complain in person at any of our offices, by phone, in writing, email or by visiting DGHP's website.
- 1.10. It is easier for us to resolve complaints if you make them quickly and directly to the service concerned.
- 1.11. When complaining please tell us:
- Your full name and address
  - As much as you can about the complaint
  - What has gone wrong
  - How you want us to resolve this matter

## How long do I have to make a complaint?

- 1.12. Normally, you must make your complaint within six months of:
- The event you want to complaint about, or
  - Finding out that you have a reason to complain, but no longer than 12 months after the event itself.

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 please advise of your reasons in writing.

## **Stage one – frontline resolution**

- 1.13. We aim to resolve complaints quickly and close to where we provided the service. This could mean an on the spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.
- 1.14. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.
- 1.15. If we can't resolve your complaint at this stage, we will explain why. If you are still dissatisfied you can ask for your complaint to be investigated further through stage 2.

## **Stage two – investigation**

- 1.16. Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation.
- 1.17. When using stage 2 we will:
  - Acknowledge receipt of your complaint within three working days
  - Discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for.
  - Give you a full response to the complaint as soon as possible and within 20 working days.
- 1.18. If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated with the progress of your complaint.

## **Complaints about Staff**

- 1.19. In most cases, complaints about members of staff are dealt with under DGHP's Code of Conduct or the company's disciplinary procedure. This means that these types of complaints or allegations will not normally be dealt with under the complaints procedure.
- 1.20. However in the first instance the line manager or another senior officer will investigate your complaint. Following this investigation, you will be informed

as to whether the complaint is being dealt with either through the complaints procedure or through the disciplinary procedure.

- 1.21. If it is deemed appropriate to deal with the complaint through the company's disciplinary procedure, it will not be possible to keep you informed of the progress of an investigation or to advise you of the outcome of any disciplinary hearing. This is because your complaint has resulted in an employment matter which is bound by certain legalities.
- 1.22. The SPSO will not investigate complaints about staff that have progressed through the Disciplinary Policy, however a complainant can appeal a decision made by DGHP to address the matter out with the Complaints Policy.
- 1.23. If the complaint is about a member of the Executive Management Team, this will be investigated by either the Chief Executive or by a member of the Executive Management Team who has not been involved in the complaint.
- 1.24. Complaints in relation to the Chief Executive are investigated by the Board of Management.

## Route of appeal

- 1.25. After we have fully investigated your complaint, 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 review this.
- 1.26. **The SPSO cannot normally look at:**
  - A complaint that has not completed our complaints procedure (so please make it has done so before contacting the SPSO)
  - Events that happened, or that you became aware of, more than a year ago
  - A matter that has been or is being considered in court.
- 1.27. You can contact the SPSO by writing to:

Freepost SPSO  
Freephone: 0800 377 7330  
Online contact: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

## Complaints about Factoring and Mid Market Lets

- 1.28. The SPSO does not normally look at complaints about our factoring service or our letting agent status. This is the responsibility of the First-Tier Tribunal for Scotland.
- 1.29. If your complaint is about a factoring service **or** you feel that we have breached the Scottish Letting Agent Code of practice, and you are still dissatisfied after our investigation stage you can correspond with them at:

First –Tier Tribunal for Scotland  
Scottish Courts & Tribunal Service  
4<sup>th</sup> Floor,  
1 Atlantic Quay,  
45 Robertson Street,  
Glasgow,  
G2 8LB

## Care Complaints

- 1.30. If your complaint relates to a care service we provide, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting the Care Inspectorate.
- 1.31. For information about their complaints procedure, contact details and offices around Scotland, and information about how to complain are all on their website: [www.careinspectorate.com](http://www.careinspectorate.com)
- 1.32. Or you can contact them by:  
Telephone: 0845 603 0890  
Fax: 01382 207 2890  
Email: [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)
- 1.33. DGHP recognises the Health (Tobacco, Nicotine etc. and Care)(Scotland) Act 2016 and the provisions within it that relate to services which DGHP may provide in relation to the duty of candour. Should an incident arise that triggers the Act then DGHP will fully comply with the provisions contained within the aforementioned act and make the necessary reports.

## Reporting a Significant Performance Failure to the Scottish Housing Regulator

- 1.34. The Scottish Housing Regulator (SHR) has a duty to consider issues that relate 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.

- 1.35. Significant Performance Failures should be raised with DGHP in the first instance and investigated in line with the complaints procedure. If DGHP fail to deal with the failure or agree to do something and nothing happens, customers can then contact the SHR.

## Legal and Regulatory Framework

- 1.36. The Public Services Reform Act (Scotland) 2010 places a statutory duty on RSL's to comply with the SPSO Model Complaints Handling Procedure published for the housing sector.
- 1.37. The SHR will monitor compliance with this Complaints Handling Procedure.
- 1.38. The Scottish Social Housing Charter came into effect on 1<sup>st</sup> April 2012 and places a duty upon RSL's to make it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback.

## Equality and Diversity Statement

- 1.39. DGHP recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.
- 1.40. This policy has been developed with consideration of the Equalities Act 2010 and seeks not to consciously or unconsciously discriminate or to have an adverse affect upon any of the protected characteristic groups outlined in the Act.
- 1.41. In particular we will ensure equal access to the complaints process by:
- Offering translation or interpretation services on request;
  - Taking complaints verbally to facilitate access for customers who are unable to communicate in written English or those with literacy problems.
  - Ensuring that investigations carried out offers every complainant the opportunity to discuss the matter either in person or via telephone.
- 1.42. Complaints of discrimination or unfair treatment by any member of DGHP staff or representative are not covered by this policy. Complaints of this nature will be considered by the Director of Housing Services in their role of DGHP's

Equal Opportunities Co-ordinator. Appeals against the decision made by the Director of Housing Services should be made in writing to the Chief Executive.

## Reporting and Monitoring

- 1.43. Complaint details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve. It will also help us to report efficiently on the Annual Return on the Charter (ARC)
- 1.44. We will report all findings to the Board of Management on a bi annual basis.
- 1.45. All investigations carried out by the SPSO detailing any recommendations for DGHP to consider or implement will be reported to Members by the appropriate Director. As part of the bi annual performance reporting mechanisms, the Board will receive an update of the number of SPSO investigations.
- 1.46. The Executive Management Team and Heads of Service will receive reports on a quarterly basis or more frequently if requested.
- 1.47. We will use case studies and examples to demonstrate how complaints have helped improve services and publish this in our newsletter and on our website. This demonstrates to our customers that we value complaints.

## Policy Review

- 1.48. This Complaints Policy will be subject to an annual desktop review or following a review and amendments by SPSO to the model complaints handling procedure or any changes to the Care Inspectorate complaint handling guidance. The purpose of the review is to assess the effectiveness of the policy in meeting targets and objectives, and to identify any changes which may be required.

