

Model Complaints Handling Procedure



SPSO model complaints handling procedure(CHP)

The Public Services Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of model Complaint Handling Procedures (CHP) across the public sector.

This led to the development of a model Complaints Handling Procedure for RSLs, which has been revised and will be implemented by March 2021.

In response, Rosehill revised its procedure (and following tenant consultation) it was approved in August 2020

Introductions

Introduce yourself?

What is your role &

What is your role in complaints handling?

Is there anything in particular you want to learn from today?

What we will cover

Why does complaints handling matter?

Regulatory expectations

- **SPSO and the Scottish Housing Regulator (very brief)**

SPSO's Complaint Handling Procedure

Complaint case studies

Recording, reporting and learning from complaints

Why does it matter?

What do your customers complain about?

What do they want when they complain?

Why does complaint handling matter?

What do customers want when they complain?

- To be heard,
- To be dealt with quickly
- For the solution to be effective
- They may also want an apology!



Why does complaint handling matter?

“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 the 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..”

Rosehill Housing Co-operative – Complaints Handling policy

Regulatory Expectations



**Scottish Housing
Regulator**

The model CHP was developed to provide a standardised approach to dealing with customer complaints across the housing sector, which aimed to:

- **Simplify the process**
- **Create a 2 stage process**
- **Ensure associations are recording all complaints**
- **Ensure associations learn from complaints**

What's in the model CHP?

The model CHP sets out:

- What is a complaint
- How a customer can complain
- Timescales for making a complaint, and guidance regarding how to make a complaint
- What is or isn't a complaint under the CHP
- The two stage-process with any appeals going directly to the SPSO
- Sets out timescales for responding to and resolving complaints

What is a complaint?

“Rosehill’s definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about Rosehill’s action or lack of action, or about the standard of service provided by us or on our behalf ...a complaint me relate to...

- 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
- a repair that has not been carried out properly or in an agreed timeframe;
- ...
- conduct, treatment by or attitude of a member of staff or contractor “

Rosehill Housing Co-operative – Complaints Handling policy

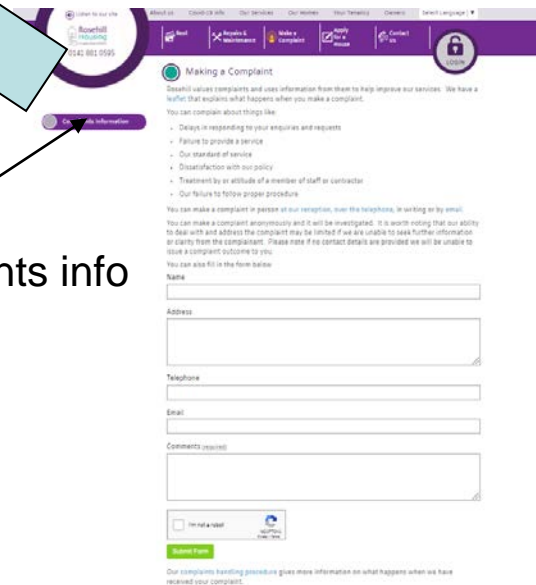
How to complain

SPSO expectations

“It is important to make customers aware of their right to complain, and information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain.”

SPSO Guide to implementation (original guidance)

How can a customer complain?



Button to access additional complaints info

How can a customer complain?

- in person (verbally)
- by phone
- in writing
- email
- or by using our complaints form
- Complaints may also be made by a third party

There are also procedures for responding to complaints raised using digital channels

Timescales for making a complaint

The model CHP sets a time limit of six months for a customer to make a complaint from the point where they first knew of the problem, unless there are special circumstances for considering complaints beyond this time.

The SPSO has set out a time limit of 12 months for a customer to appeal to them, unless there are special circumstances.

What is a complaint

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service (new)
- 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 not been carried out properly or in an agreed timeframe (new)

What is not a complaint

- a routine first-time request for a service
- issues that are in court or have already been heard by a court or a tribunal
- an attempt to reopen a previously concluded complaint
- a concern about the actions or service of a different organisation, where we have no involvement in the issue
- abuse or unsubstantiated allegations about our organisation or staff (new)
- a grievance by a staff member or a grievance relating to employment or staff recruitment (new)

What is a complaint

- dissatisfaction with one of our policies or its impact
- 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 **or** disagreement with a decision

What is not a complaint

- disagreement with a decision where there is a statutory procedure for challenging or an appeals process
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts (new)
- Where a customer is seeking financial compensation only
- **Anti-social behaviour issues** – should be handled through ASB policy

Is it or isn't it a complaint?



Case one: A tenant telephones XXHA's repairs hotline to complain angrily that water is penetrating through her ceiling from the property above.

SPSO Suggested Solution

A first request for a service and not considered under XXHA's complaint handling procedure.

Action: Incident is recorded on Repairs system and an emergency repair line is raised for a plumber to inspect and repair leak from property above.

Case two: A tenant writes to XXHA to advise that he still remains without hot water in his property despite a contractor operating on behalf of XXHA attending the previous day. Tenant also indicates that the contractor was very dismissive, displayed a lackadaisical attitude to his concerns and left his property without completing the job.

SPSO Suggested Solution

Complaint considered under complaints handling procedure.

Action: Expression of dissatisfaction logged as a complaint in line with XXHA's complaint handling procedure and issued to relevant staff member for investigation, review and resolution within five days as close to the frontline delivery of service as possible in line with SPSO recommendations.

Case three: Customer A complains that they were not given enough priority for housing, given their current housing circumstances and health needs.

SPSO Suggested Solution

Action: 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.

Case four: 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.

Action: Record the customer's complaint. Explain 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 the decision was based on sound evidence of need, inform the customer of the outcome. But if there is evidence that there was maladministration 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/the management committee.

Complaint confidentiality

Staff members involved in handling complaints must exercise confidentiality:

- When using a customer's information
- Where investigations involve 3rd parties or witnesses, they must only share information required to resolve the complaint
- Inform any 3rd parties or witnesses of their requirement to respect confidentiality of any information impacted during the investigation
- Information supplied to complainant on conclusion of a complaint might on occasion be restricted (See 4.4 of policy)

Case Studies – is it or isn't it?

Case five: 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.

SPSO Suggested Solution

Action: 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. (**not a complaint**)

Case six: Ms B complains she has reported her neighbour's barking dog several times over the last year, and nothing has been done about it.

SPSO Suggested Solution

Action: 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.

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Complaint handling stages

Stage 1
Frontline
resolution



Stage 2
Investigation



Independent
External
Review

For issues that are straightforward and easily resolved, requiring little or no investigation

Should be completed within **five working days**

For issues not resolved at stage 1 or are complex, serious or “high risk”

Complaints must be acknowledged within **three working days** and resolved within **20 working days**

On completion of the investigation stage customers have the right to approach the SPSO if they remain dissatisfied.

Benefits of Frontline resolution

“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.”

Rosehill Housing co-operative – Complaints Handling policy

Stage 1 – Frontline resolution

“For issues that are straightforward and simple, requiring little or no investigation. ‘On-the-spot’ apology, explanation, or other action to put the matter right.

Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances)...

Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)

We will tell the customer how to escalate their complaint to Stage 2”

Stage 1 – Closing the complaint

RSLs must

- Tell the customer the outcome of their complaint (resolved, upheld, partially upheld or not upheld)
- Explain the reason for our decision
- Explain the option to escalate to Stage 2
- Keep a full, accurate record of the decision given to the customer (in writing if they cannot be contacted by phone or in person)
- Close the complaint, update complaints recording system and share any part of the response relating to a staff member actions
- Consider any learning which can be identified

Stage 2 – Investigation

When do these happen?

- The customer is unhappy with Stage 1 response (must be within 2 months of response) **or** asks for an investigation (must be within 6 months)
- The customer refuses to engage in frontline resolution process
- The complaint is not simple and straightforward (e.g. customer raises a number of issues, or information is needed from several sources)
- The complaint relates to serious, high-risk / high-profile issues
- The complaint, if upheld, is likely to constitute a breach of the equality and diversity policy

Stage 2 – Investigation

Initial stages

- An investigation officer appointed (ideally outlined in policy)
- Details of complaint recorded in complaints system (including all notes / info from stage 1 investigation)
- Complaints must be acknowledged within 3 days in customer's preferred communication mode and investigation should last no more than 20 days (unless extended)
- Points of complaint and expected outcomes set out in acknowledgement . If points of complaint / expected outcomes are unclear this should be discussed with the customer

Agreeing points of complaints

Key questions

What specifically is the customer's complaint?

What does the customer want to achieve?

Are the customer's expectations realistic and achievable?

Stage 2 – Investigation

The investigator should plan the investigation to ensure they gather all the information required to allow them to know:

“what happened? (e.g. records of phone calls or meetings, work requests, recollections of staff members or internal emails)

what should have happened? (e.g. any relevant policies or procedures that apply); and

is there a difference between what happened and what should have happened?”

The investigator may also need to arrange, organise meetings with the complainant (any meetings will be recorded)

Stage 2 – Closing the complaint

The response to the complaint should be in writing and signed off by the agreed person, and should be:

- Clear and easy to understand
- Avoid technical terms (or provide an explanation of the term)
- Address all the complaint's issues
- Include an apology where appropriate
- Highlight any areas of disagreement and why no further action can be taken
- Provided a named staff member who can answer any queries
- Indicate that the complainant can seek an independent review (from SPSO, or other relevant parties i.e. factoring complaints)
- The complaint decision will be recorded

Extensions to timescales

Stage 1 complaints

“In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member).”

Must be approved agreed by an appropriate manager, customer must be told and only one extension is allowed

Extensions to timescales

Stage 2 complaints

“..some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline”

Any extension must be approved by relevant manager, and the customer must be told about the extension and why it is needed.

Reasons can include:

- Key witnesses not being available due to sickness or leave
- Difficulty in obtaining essential information within timescales
- the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

What is expected of staff?

All Staff should be aware of:

- the Complaints Handling Procedure (CHP)
- how to handle and record complaints at frontline
- the need to try and resolve complaints early and as close to the point of service delivery as possible (Frontline Resolution); **and**
- who they can refer complaints if they can't resolve it

SPSO Model CHP – part 4

Senior Staff will :

- Ensure any complaint investigation is signed off by an appropriate person to confirm the association's response
- Ensure complainant's concerns are taken seriously
- Ensure a consistent approach how complaints handling information is managed, monitored, reported, etc.
- Ensure complaints information is used to improve services (learning from complaints)

Notifying staff members

If a complaint is about the actions of a particular staff member, we will:

- Share relevant complaint information with them
- Outline how the complaint will be handled, how they will be updated, and how they will be told of complaint response
- Sign-post them to relevant information and support (must not be anyone involved in the investigation)

Persistent or Vexatious Complaints

“We recognise that people may act out of character in times of trouble or distress. ...may also result in the customer acting in an unacceptable way.

Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance ...

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.

Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeals.”

Rosehill Housing Co-operative – Complaints Handling policy

Complaints involving more than one service or organisation

For complaints about two or more RSL services

- An investigating officer will be appointed
- RSL must tell the customer who will take the lead in dealing with their complaint, and that they will get only one response covering all issues raised.

For complains about another agency / public service provider where we have no involvement in the issue

- SPSO model CHP says you should advise the customer to contact that organisation directly

Complaints involving more than one service or organisation

For complaints relating to our service and another agency or public service provider (e.g. local authority)

- Complaint must be handled through RSL procedure
- Investigating officer will also make enquiries to the outside agency in relation to the complaint
- These enquires must take account of data protection legislation and RSL's guidance on handling our customers' personal information

How should these complaints be handled?



Complaint 1

The customer complains that a worker did not attend to carry out a housing repair as we had agreed.

SPSO Suggested Solution

- Speak to the worker, the service or the service manager to explain the customer's complaint and to agree how to resolve the issue, for example by arranging a new time and date to do the repair.
- Explain the reasons for the failed appointment, agree new date for the repair and apologise to the customer.
- Record the complaint on the complaints database.

Complaint 2

The customer complains that a contractor turned up late and was smoking.

SPSO Suggested Solution

- Contact the care service to discuss the matter with a service manager.
- The care service checks the timetable for visits and discusses with the home carer the complaint about smoking. The care service should let you know the outcome.
- You in turn contact the customer to explain the policy, confirm the timing of visits (for example. between 8am and 12 noon) and where appropriate apologise for the inconvenience.
- Record the complaint on the complaints database.

Complaint 3

The customer expresses dissatisfaction in line with the definition of a complaint, but says she doesn't want to complain they just want to tell us about the matter.

SPSO Suggested Solution

- 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 customer feedback like this. Therefore, if the customer still insists she 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.

Encouraging complaints

If a customer has grounds to complain, but does not want to, they should be encouraged to complain through

- Assurance that feedback / complaints are important to the association **and**
- complaints offer us the opportunity to improve services

If customer still does not wish to complain, the issue should be recorded as an anonymous complaint.

Anonymous complaints

Associations should consider anonymous complaints containing enough information to make further enquiries, but will not consider those with insufficient information (non-pursuit needs to be authorised by a senior manager).

If pursued they will be recorded as anonymous complaints on the database system to ensure accurate reporting.

What new in revised procedure?

- Ensuring Compliance with Equality and Mental Health legislation
 - Checking if those wishing to complain have access needs met
i.e. Interpretation / translation, sign language support, access to independent advocates, etc.
- Need for procedures to respond to complaints raised on digital platforms
- More emphasis on need to support staff who are subject to complaints
- More emphasis on maintaining confidentiality and data protection
- Increased emphasis on the need to record and report on all complaints
- Increased emphasis on the need to learn from complaints

Recording, reporting and learning from complaints



SPSO expectations

“One of the aims of the CHP is to identify opportunities to improve services across Thenue. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements..”

Rosehill Housing Co-operative – Complaints Handling policy

Recording Complaints

“It is important to record suitable data to enable us to fully investigate and respond to the complaint ... to track themes and trends. As a minimum, we should record: ”

- the customer's name and contact details, and the date of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline response stage
- date the complaint was closed at the frontline response stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable)
- the underlying cause of the complaint and any remedial action taken.
- the outcome of the SPSO's investigation (where applicable).

Common questions regarding complaints recording

Do you feel your department is recording all the complaints it should? If you are under-recording, is there a reason?

Which departments record / receive most complaints?

Are you concerned about complaints rising if you record more pro-actively?

Any other questions or comments?

Learning from Complaints

“The management Team will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed.”

“...Management committee ... in relation to complaints, its role is threefold:

- to approve the adoption of the CHP
- to ensure that staff keep to this CHP and associated internal processes (through involvement with senior management or directly)
- to ensure that information and learning from complaints are used to improve our understanding of, and to steer, our policies and practices.”

Rosehill Housing Co-operative – Complaints Handling policy

Learning from Complaints

“Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. As a minimum we will ensure that:

- the action needed to improve services has been authorised by an appropriate manager
- an officer (or team) should be designated as the 'owner' of the, has with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken;
- the designated individual must follow up to ensure that the action is taken within the agreed timescale;
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

Learning from Complaints

“Quarterly sessions with all staff will be held, part of which will cover complaints received for the last 3 months. As a learning tool, case studies/group discussions will be held to explore how the complaint should be handled and what lessons can be learned. This will then be followed with a presentation on the actual outcome of the complaints, what lessons were learned and what improvements, if any, have been identified and implemented.”

Rosehill Housing Co-operative – Complaints Handling policy

Learning from Complaints

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- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

Reporting Complaints

“We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

“We will report at least **quarterly** to senior management on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes of complaints (**this should include highlighting where there are areas where few or no complaints are received**, which may indicate either good practice or that there are barriers to complaining in that area).”

Rosehill Housing Co-operative – Complaints Handling policy

Publicising complaints information

“We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services. Information published in our quarterly newsletters and our website includes:

- Type and number of complaints received;
- Performance statistics on average time taken to resolve complaints (as per ARC indicators);
- Improvements identified and implemented to our services.”

Rosehill Housing Co-operative – Complaints Handling policy

Publicising complaints information

“We will publish an annual complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and
- complaint trends and the actions that have been or will be taken to improve services as a result.

These reports must be easily accessible to members of the public and available in alternative formats as requested.

Outcome 2 – Communication

Performance Indicators

Charter outcome

Communication

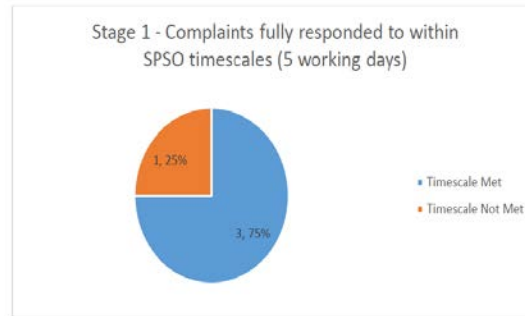
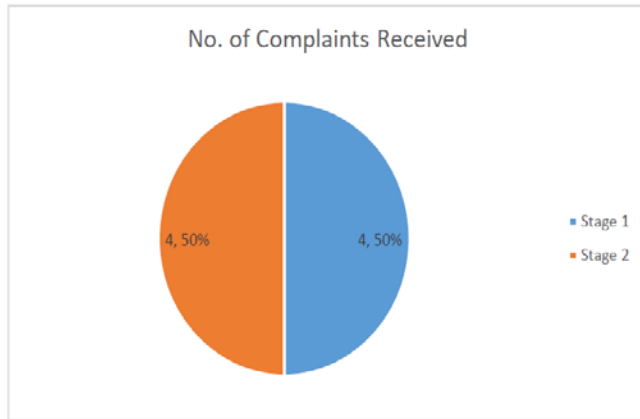
- 3 % of all complaints responded to in full at Stage 1 and the % of all complaints responded to in full at Stage 2.
- 4 The average time in working days for a full response at Stage 1 and the average time in working days for a full response at Stage 2.



Extract of complaints report

1st October 2019 – 30 September 2020

2. Complaints Received



Average time to resolve 3.75 days

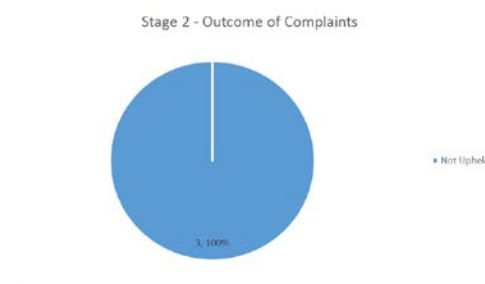
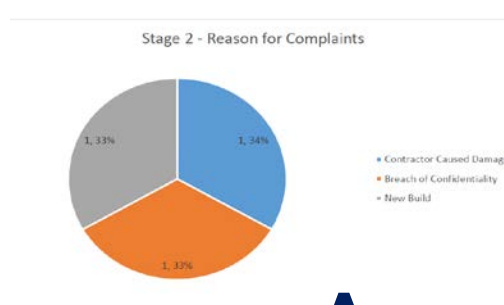
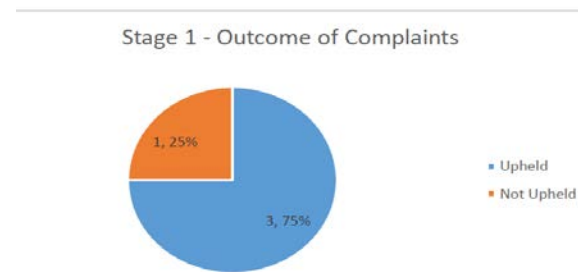
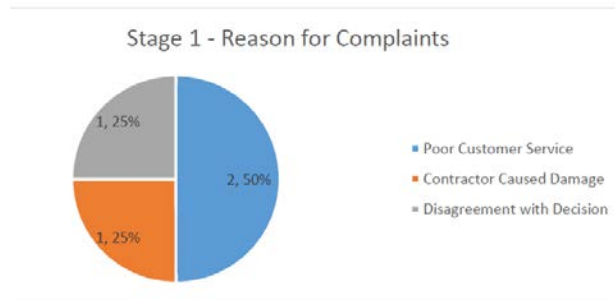


Average time to resolve 17.33 days

Any comments?

Regarding no of complaints? Response times?

Extract of complaints report 1st October 2019 – 30 September 2020



**Any comments?
Regarding reasons? Or outcomes?**

Extract of complaints report

1st October 2019 – 30 September 2020

Summary/Conclusions

4.1 During the 9 month period October 19 to June 20 we received a total of 6 complaints, 4 frontline complaints and 2 stage two complaints.

4.2 Out of the 4 frontline complaints, 3 were upheld and where appropriate apologies were issued to tenants and contractors sent back to rectify issues.

4.4 All of the stage 1 complaints were resolved within the 5 working days target, with the exception of 1 which had an extended timescale due to the complainant being uncontactable. (av. time to resolve 3.75 days.)

4.6 Neither of the stage two complaints were upheld.

4.7 Both stage two complaints resolved within the 20 working days target. (av. time to resolve 18.5 days)

4.9 The review of all complaints did not identify a need for any policy changes or improvements to our systems beyond raising issues directly with contractors to ensure these issues are not repeated. The exception to this is that one complaint resulted in a new procedure being introduced.

4.10 Committee is asked to note the position with the complaints received during the period October 19 to June 20.

Extract of complaints report

1st October 2019 – 30 September 2020

5. Lessons learned and changes made

In the majority of cases the complaints did not provide an opportunity to improve our service beyond taking the issues up with the contractors in an effort to ensure the failures are not repeated, with the following exception:

- New procedure introduced for non maintenance staff when they receive repair enquiries to ensure that these are actioned

**Any comments regarding lessons learned?
Should we ask for tenants feedback about the
process? How should we do this?**

The model CHP sets out

- The need to publicise complaints policies and make it as easy as possible to complain
- The need for procedures to record complaints received and resolutions reached
- The need for procedures when a customer does not want to formally complain
- The need for procedures to record and investigate anonymous complaints

The model CHP also sets out

- The need for procedures to deal with complaints involving more than one service and or external organisations
- The need for procedures to deal with complaints against senior staff / board members
- The need to report complaints performance to a range of stakeholders
- The need to learn from complaints

What we have covered

Why does complaints handling matter?

Regulatory expectations

- **SPSO and the Scottish Housing Regulator**

SPSO's Complaint Handling Procedure

Complaint case studies

Recording, reporting and learning from complaints

Any last questions?

