

## **Complaints Handling Procedure Part 5**

### **Complaints Handling Procedure**

1. Abertay Housing Association is committed to providing high-quality customer services.  
**The Association values complaints and uses information from them to help it improve its services.**
2. If something goes wrong or you are dissatisfied with the Association's services, please tell the Association. This document describes the Association's complaints procedure and how to make a complaint. It also tells you about how the Association will handle your complaint and what you can expect from it.

### **3. What is a complaint?**

- 3.1. The Association regards a complaint as any expression of dissatisfaction about its action or lack of action, or about the standard of service provided it us or on its behalf.

### **4. What can I complain about?**

- 4.1. 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 the Association's 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. Your complaint may involve more than one of the Association's services or be about someone working on its behalf.

### **5. What can't I complain about?**

- 5.1. There are some things the Association can't deal with through its complaints handling 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 the Association 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 the Association has already given its final decision;
- abuse or unsubstantiated allegations about the Association or staff where such actions would be covered by its Unacceptable Behaviour Policy; or
- a concern about the actions or service of a different organisation, where the Association has no involvement in the issue (except where the other organisation is delivering services on its behalf).

5.2. If other procedures or rights of appeal can help you resolve your concerns, the Association will give information and advice to help you.

## **6. Who can complain?**

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

## **7. How do I complain?**

7.1. You can complain in person at any of the Association's offices, by phone, in writing, by email or via the complaints form on the Association's website.

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

7.3. When complaining, please tell us:

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

## **8. Our contact details**

8.1. Abertay Housing Association  
147 Fintry Drive  
Dundee  
DD4 9HE  
01382 903545  
[queries@abertayha.co.uk](mailto:queries@abertayha.co.uk)  
[www.abertayha.co.uk](http://www.abertayha.co.uk)

## **9. How long do I have to make a complaint?**

9.1. 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.

9.2. In exceptional circumstances, the Association 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 the Association why.

## **10. What happens when I have complained?**

10.1. The Association will always tell you who is dealing with your complaint. The Association's complaints procedure has two stages.

### **10.2. Stage 1: Frontline response**

10.2.1. The Association aims to respond to complaints quickly (where possible, when you first tell it 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.

10.2.2. The Association will give you its decision at stage 1 in five working days or less, unless there are exceptional circumstances.

10.2.3. If you are not satisfied with the response the Association gives at this stage, it will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask the Association 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).

10.2.4. In exceptional circumstances, the Association 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 the Association why.

### **10.3. Stage 2: Investigation**

10.3.1. 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 the Association to handle it at stage 2 instead.

Complaints Handling Procedure Part 5 v1

Based on Scottish Public Services Ombudsman's (SPSO) Model Complaints Handling Policy (MCHP)

Date Reviewed by Management Committee 25 November 2020

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10.3.2. When using stage 2:

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

10.3.3. If the Association's investigation will take longer than 20 working days, it will tell you. The Association will tell you its revised time limits and keep you updated on progress.

**10.4. What if I'm still dissatisfied?**

10.4.1. After the Association has given you its final decision, if you are still dissatisfied with its decision or the way it dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

10.4.2. There are some complaints about housing that have an alternative route for independent review. The Association will tell you how to seek independent review when it gives you its final response on your complaint.

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

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

you have gone all the way through the Association's complaints handling procedure;  
it is less than 12 months after you became aware of the matter you want to complain about; and  
the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of the Association's final response to your complaint. You can do this online at [www.spsso.org.uk/complain/form](http://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](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

## **11. Reporting a significant performance failure to the Scottish Housing Regulator**

11.1. The Scottish Housing Regulator (SHR) can consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systemic problem that does, or could, affect all of a landlord's tenants. If you are affected by a problem like this, you should first report it to the Association. If you have told the Association about it but it has not resolved it, you can report it directly to the SHR.

11.2. 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 the Association for more information about significant

performance failures. The SHR also has more information on their website [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)

## **12. Getting help to make your complaint**

12.1. The Association understands that you may be unable or reluctant to make a complaint yourself. The Association accepts complaints from the representative of a person who is dissatisfied with its service. The Association can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

12.2. 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](http://www.siaa.org.uk)

12.3. You can find out about advisers in your area through Citizens Advice Scotland:

### **Citizens Advice Scotland**

Website: [www.cas.org.uk](http://www.cas.org.uk) or check your phone book for your local citizens advice bureau.

12.4. The Association is committed to making its service easy to use for all members of the community. In line with its statutory equalities duties, the Association will always ensure that reasonable adjustments are made to help you access and use its services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell the Association in person, contact us on 01382 903545, email us at [queries@abertayha.co.uk](mailto:queries@abertayha.co.uk) or complete the form on our website [www.abertayha.co.uk](http://www.abertayha.co.uk)

## **13. The Association's contact details**

13.1. Please contact us by the following means:

Abertay Housing Association  
147 Fintry Drive  
Dundee  
DD4 9HE  
01382 903545  
[queries@abertayha.co.uk](mailto:queries@abertayha.co.uk)  
[www.abertayha.co.uk](http://www.abertayha.co.uk)

13.2. We can also give you this leaflet in other languages and formats (such as large print, audio and Braille).

## Quick guide to our complaints procedure

### Complaints procedure

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

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



### Stage 1: Frontline response

The Association will always try to resolve your complaint quickly, within **five working days** if it can.

If you are dissatisfied with the Association's response, you can ask it to consider your complaint at stage 2.



### Stage 2: Investigation

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

The Association will acknowledge your complaint within **three working days**.

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

The Association will investigate the complaint and give you its 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 the Association's final decision on your complaint, you remain dissatisfied with its decision or the way it has 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. The Association will tell you how to seek independent review when it gives you its final response on your complaint.